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SALUS POPULI SUPREMA LEX ESTO

"The welfare of the people shall be the supreme law."



ROBIN CARNAHAN
SECRETARY OF STATE

MISSOURI
REGISTER

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IN THIS ISSUE:

EMERGENCY RULES

Office of Administration

Commissioner of Administration1783

Department of Public Safety

Adjutant General1784

Department of Social Services

Family Support Division1785

EXECUTIVE ORDERS

PROPOSED RULES

Department of Economic Development

State Board of Chiropractic Examiners1792

State Board of Nursing1795

Missouri Board for Respiratory Care1798

Department of Labor and Industrial Relations

Labor and Industrial Relations Commission1801

Department of Public Safety

Adjutant General1801

Department of Health and Senior Services

Division of Senior Services and Regulation1804

Department of Insurance

Life, Annuities and Health1804

ORDERS OF RULEMAKING

Department of Agriculture

Animal Health1814

State Milk Board1816

Department of Economic Development

State Board of Chiropractic Examiners1816

Missouri Dental Board1818

Department of Mental Health

Director, Department of Mental Health1818

Department of Natural Resources

Air Conservation Commission1825

Department of Revenue

Director of Revenue1850

Department of Insurance

Market Conduct Examinations1850

IN ADDITIONS

Department of Economic Development

Division of Credit Unions1852

Department of Transportation

Missouri Highways and Transportation Commission1852

CONSTRUCTION TRANSIENT LIST1854

DISSOLUTIONS1865

SOURCE GUIDES

RULE CHANGES SINCE UPDATE1867

EMERGENCY RULES IN EFFECT1872

EXECUTIVE ORDERS1874

REGISTER INDEX1876

Register Filing Deadlines	Register Publication Date	Code Publication Date	Code Effective Date
August 1, 2005 August 15, 2005	September 1, 2005 September 15, 2005	September 30, 2005 September 30, 2005	October 30, 2005 October 30, 2005
September 1, 2005 September 15, 2005	October 3, 2005 October 17, 2005	October 31, 2005 October 31, 2005	November 30, 2005 November 30, 2005
October 3, 2005 October 17, 2005	November 1, 2005 November 15, 2005	November 30, 2005 November 30, 2005	December 30, 2005 December 30, 2005
November 1, 2005 November 15, 2005	December 1, 2005 December 15, 2005	December 31, 2005 December 31, 2005	January 30, 2006 January 30, 2006
December 1, 2005 December 15, 2005	January 3, 2006 January 17, 2006	January 29, 2006 January 29, 2006	February 28, 2006 February 28, 2006
January 3, 2006 January 17, 2006	February 1, 2006 February 15, 2006	February 28, 2006 February 28, 2006	March 30, 2006 March 30, 2006
February 1, 2006 February 15, 2006	March 1, 2006 March 15, 2006	March 31, 2006 March 31, 2006	April 30, 2006 April 30, 2006
March 1, 2006 March 15, 2006	April 3, 2006 April 17, 2006	April 30, 2006 April 30, 2006	May 30, 2006 May 30, 2006
April 3, 2006 April 17, 2006	May 1, 2006 May 15, 2006	May 31, 2006 May 31, 2006	June 30, 2006 June 30, 2006

Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.mo.gov/adrules/pubsched.asp>

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RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—The most recent version of the statute containing the section number and the date.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

Title 1—OFFICE OF ADMINISTRATION Division 10—Commissioner of Administration Chapter 4—Vendor Payroll Deduction Regulations

EMERGENCY AMENDMENT

1 CSR 10-4.010 State of Missouri Vendor Payroll Deductions. The commissioner is adding section (5).

PURPOSE: The Office of Administration has authority to establish rules concerning deductions from employee compensation for participation in voluntary retirement plans, group hospital service plans, group life insurance plans, medical services plans, labor unions, employee association and credit unions. This emergency amendment establishes criteria for vendors and procedures which must be fulfilled prior to receiving payroll deduction authority for state cafeteria plan eligible products.

EMERGENCY STATEMENT: Senate Bill 133 from the 93rd General Assembly, First Regular Session added 33.103.3(3), RSMo. This new language states that the commissioner of administration may "Include as an option in the plan any other product eligible under Section 125 of Title 26 of the *United States Code*, subject to regulations promulgated by the Office of Administration, and including payment to the state by vendors providing those products for the cost of administering those deductions, as set by the Office of Administration: and" section (5) of the administrative rule provides for the voluntary payroll deduction vendors with eligible cafeteria

plan products to participate in the state cafeteria plan. This emergency amendment is necessary to preserve a compelling governmental interest that requires an early effective date and follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances in that although the 2006 state cafeteria plan year begins January 1, 2006, the enrollment period for the plan is from September through November, 2005. These changes to the administrative rule must be in effect during the enrollment period for the state payroll voluntary deduction vendors wishing to participate in the state cafeteria plan. Failure to implement the rule prior to September 1, 2005 will prevent employees from participating in essential plans. This emergency amendment was filed July 15, 2005, effective September 1, 2005, expires February 27, 2006.

(5) The commissioner of administration may include as an option in the state cafeteria plan any authorized voluntary payroll deduction product that is eligible under Section 125 of Title 26 of the *United States Code* and compliant with the state cafeteria plan rule 1 CSR 10-15.010.

AUTHORITY: sections 33.103, 536.010 and 536.023, RSMo Supp. [2003] 2004 and 370.395, RSMo 2000. Original rule filed May 15, 1990, effective Sept. 28, 1990. Amended: Filed Aug. 15, 2003, effective Jan. 30, 2005. Emergency amendment filed July 15, 2005, effective Sept. 1, 2005, expires Feb. 27, 2006.

Title 1—OFFICE OF ADMINISTRATION Division 10—Commissioner of Administration Chapter 15—Cafeteria Plan

EMERGENCY AMENDMENT

1 CSR 10-15.010 Cafeteria Plan. The commissioner is amending sections 4.01(g) and 7.07 in Appendix A.

PURPOSE: The rule is being amended to reflect the changes in the state cafeteria plan resulting from the adoption of 33.103.3(3) which provides that the commissioner of administration may include as an option in the state cafeteria plan eligible products from voluntary state payroll deductions, subject to regulation and including payment by the vendors for the state cost of administering the deductions.

EMERGENCY STATEMENT: Senate Bill 133 from the 93rd General Assembly, First Regular Session added 33.103.3(3) RSMo. This new language states that the commissioner of administration may "Include as an option in the plan any other product eligible under Section 125 of Title 26 of the *United States Code*, subject to regulations promulgated by the Office of Administration, and including payment to the state by vendors providing those products for the cost of administering those deductions, as set by the Office of Administration: and" Article 4.01(g) of the administrative rule provides for the voluntary payroll deduction vendors with eligible cafeteria plan products to participate in the state cafeteria plan. Article 7.07 requires these voluntary deduction vendors to comply with the voluntary deduction rule and agree to the fee for the cost to the state of administering those deductions through the cafeteria plan. The rule is necessary to preserve a compelling governmental interest that requires an early effective date and follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances in that although the 2006 state cafeteria plan year begins January 1, 2006, the enrollment period for the plan is from September through November, 2005. These changes to the administrative rule must be in effect during the enrollment period for the state payroll voluntary deduction vendors wishing to participate in the state cafeteria plan. Failure to implement the rule prior to September

1, 2005 will prevent employees from participating in essential plans. This emergency amendment was filed July 15, 2005, effective September 1, 2005, expires February 27, 2006.

ARTICLE FOUR AVAILABLE SELECTION OF BENEFITS

4.01 In general, employees may choose to participate in any one or more of the following benefit categories offered under the MSEC.

(g) **Other Products**—This category provides for the direct payment to the insurance provider of the participant's share of the cost or premium for coverage under any plan or program which provides any other product eligible under Section 125 of the *United States Code*, to or on behalf of any employee or spouse or dependent, which plan or program is available to the employee by reason of status as an employee.

ARTICLE SEVEN ADMINISTRATION

7.07 Vendors of products included in 4.01(g) must comply with CSR 10-4.010 and also agree to a fee for the cost of administration, set by the commissioner of administration.

AUTHORITY: section 33.103, RSMo 2000. Original rule filed March 15, 1988, effective June 1, 1988. For intervening history, please consult the Code of State Regulations. Emergency amendment filed July 15, 2005, effective Sept. 1, 2005, expires Feb. 27, 2006.

Title 11—DEPARTMENT OF PUBLIC SAFETY Division 10—Adjutant General Chapter 5—Missouri Veterans' Recognition Program

EMERGENCY AMENDMENT

11 CSR 10-5.010 Missouri Veterans' Recognition Program. The Adjutant General is amending subsections (1)(I) and (J), subsection (4)(B) and sections (6) and (9).

PURPOSE: This amendment prescribes guidelines as required by section 42.175, RSMo, to administer the World War II Veterans' Recognition, Missouri World War II "D-Day" Invasion of Europe Medal Program and the Korean Medal Program. These guidelines provide a framework for World War II and Korean veterans to apply for medal, medallion, and certificates in recognition of their service to Missouri and our nation during World War II and Korea.

EMERGENCY STATEMENT: This emergency amendment informs Missouri World War II and Korean veterans and their spouses that the period for applying for recognition awards has been extended and that award eligibility criteria has been expanded to allow eligibility to those veterans who were legal residents of this state at the time he or she entered or was discharged from military service. This emergency amendment is necessary because of the compelling governmental interest to honor Missouri's aging 435,000 World War II and 150,000 Korean Conflict veterans for their patriotic service to our state and nation. Due to the age of these veterans the earliest effective program extension start up date is critical. This law extends the period for Missouri's veterans to apply for awards. Implementing an emergency amendment will ensure that Missouri's compelling need to recognize these aging veterans for their patriotic service is achieved in a timely and comprehensive manner. A proposed amendment which covers the same material is published in this issue of the Missouri Register. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Adjutant General believes this emergency amend-

ment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed July 19, 2005, effective July 29, 2005, expires January 24, 2006.

(1) Definitions as used in this rule, unless the context clearly indicates otherwise, the following terms shall mean:

(I) **Eligible World War II Veteran**—Any person defined as a veteran by the United States Department of Veterans Affairs, who honorably served on active duty in the United States military service at anytime beginning December 7, 1941 and ending December 31, 1946 provided 1) that such veteran was a legal resident of the state of Missouri *[on August 28, 2000]* or was a legal resident of this state at the time he or she entered or was discharged from military service or at the time of his or her death; and 2) such veteran was honorably separated or discharged from military service or is still in active service in honorable status, or was legal resident of this state at the time of his or her death;

(J) **Eligible Korean Conflict Veteran**—Any person defined as a veteran by the United States Department of Veterans Affairs, who honorably served on active duty in the United States military service at anytime beginning June 27, 1950 and ending January 31, 1955 provided—

1. That such veteran was a legal resident of the state of Missouri *[on August 28, 2003]* or was a legal resident of this state at the time he or she entered or was discharged from military service or at the time of his or her death; and

2. Such veteran was honorably separated or discharged from military service or is still in active service in honorable status, or was a legal resident of this state at the time of his or her death;

(4) To be eligible for the World War II or Korean Conflict Veterans' Recognition Awards, the veteran must:

(B) Be a legal resident of Missouri *[on August 28, 2000 for World War II veteran and August 28, 2003 for the Korean Conflict veteran]* or was a legal resident of this state at the time he or she entered or was discharged from military service or at the time of his or her death;

(6) World War II, "D-Day" Invasion of Europe, and Korean Conflict veterans, to obtain authorized medals, medallions, and certificates, must complete an application form and provide copies of appropriate military service record verification forms to the Office of the Adjutant General, Attention: Director, Missouri Veterans' Recognition Program, 2303 Militia Drive, Jefferson City, MO 65101-1203. World War II and Jubilee of Liberty award applications must be submitted anytime after January 1, 2001, *and before July 1, 2004*. Korean Conflict Award applications must be submitted anytime after January 1, 2004, *and before January 1, 2005*. Applications and service forms will not be returned and will become property of the state of Missouri.

(9) The distribution of specific state awards under this rule is subject to the availability of and receipt of funding and the approval of a state appropriation for that purpose. Upon receipt of funding and an approved appropriation, awards will be distributed as expeditiously as possible. **Medallion, medal, and certificates shall be awarded until the supply of medallions, medals, and certificates is exhausted. The Adjutant General shall notify the general assembly when such supply totals less than one hundred (100).**

AUTHORITY: section 42.175, RSMo Supp. [2003] 2004. Original rule filed Sept. 14, 2000, effective March 30, 2001. Emergency amendment filed July 22, 2002, effective Aug. 1, 2002, expired Feb. 27, 2003. Amended: Filed July 22, 2002, effective Jan. 30, 2003. Emergency amendment filed July 25, 2003, effective Aug. 21, 2003, expired Feb. 17, 2004. Amended: Filed July 25, 2003, effective Feb. 29, 2004. Emergency amendment filed July 19, 2005, effective July 29, 2005, expires Jan. 24, 2006. A proposed amendment

covering this same material is published in this issue of the Missouri Register.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 40—Family Support Division
Chapter 2—Income Maintenance**

EMERGENCY AMENDMENT

13 CSR 40-2.200 Determining Eligibility for Medical Assistance.
The division is amending section (2).

PURPOSE: This amendment modifies the income limits for the Medical Assistance program after August 27, 2005.

EMERGENCY STATEMENT: Missouri's economic status requires emergency measures to contain cost wherever feasible. In order to meet SFY 2006 projected revenues, the 93rd General Assembly, in House Bill II, approved state savings from core reductions and mandatory new decision items to the Medical Assistance program, \$67.4 million. Beginning August 28, 2005 Medicaid coverage for Medical Assistance is modified so that the income limit is reduced from one hundred percent (100%) of the federal poverty level to eighty-five percent (85%) of the federal poverty level for Medical Assistance individuals whose eligibility is based on Old Age Assistance (OAA) or Permanent and Total Disability (PTD) provisions. Promulgation of this emergency amendment is necessary to preserve the compelling governmental interest to achieve a balanced state budget for SFY 2006. A proposed amendment, which covers the same material, was published in the Missouri Register August 1, 2005 (30 MoReg 1647-1648). The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The division believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed June 27, 2005, effective August 28, 2005, expires February 23, 2006.

(2) If a single individual has an adjusted gross income [of the current SSI maximum] per month [or less] that does not exceed the income limit and meets the other eligibility requirements, s/he will be eligible for MA. If eligibility is based on AB provisions, the income limit is one hundred percent (100%) of the federal poverty level (FPL). If eligibility is based on OAA or PTD provisions, the income limit is eighty-five percent (85%) of the FPL. For a married couple living together, the adjusted gross income limitation will be [the current SSI maximum] one hundred percent (100%) of the FPL for [the couple] two (2) persons if eligibility is based on AB provisions. For a married couple living together, the adjusted gross income limitation will be eighty-five percent (85%) of the FPL for two (2) persons if eligibility is based on OAA or PTD provisions. In determining adjusted gross income, the following exemptions will be applied to the gross income:

AUTHORITY: section 207.020, RSMo [1994] 2000. Original rule filed Sept. 26, 1951, effective Oct. 6, 1951. For intervening history, please consult the Code of State Regulations. Amended: Filed June 29, 2005. Emergency amendment filed June 27, 2005, effective Aug. 28, 2005, expires Feb. 23, 2006.

The Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo Supp. 2002.

EXECUTIVE ORDER

05-19

WHEREAS, the Department of Insurance is charged with the execution and administration of laws related to insurance pursuant to Section 374.010, RSMo; and

WHEREAS, Section 374.075, RSMo required the Director of Insurance to establish a Division of Consumer Affairs and Section 374.085 requires the Division to recommend changes to state statutes when it considers such statutes to adversely or unfairly affect the interests of the general public; and

WHEREAS, the Director desires to receive input and advice from members of the general public on insurance laws and regulations; and

WHEREAS, Section 375.019, RSMo created an Advisory Board on Licensing and Examinations of Insurance Producers, a nine-member board, which has provided helpful advice from the perspective of insurance producers, but not consumers; and

WHEREAS, Section 374.284, RSMo, which became effective in 1999, required the Department to create a Health Insurance Advisory Committee to advise the department on issues relating to health care insurance, but no individuals have ever been appointed to serve on this board; and

WHEREAS, the Department has previously created a ten-member Consumer Advisory Council and an eight-member Industry Advisory Council without executive or statutory authority; and

WHEREAS, the Director believes that contributions of the Advisory Board on Licensing and Examinations should be shared with the public through the Insurance Advisory Panel; and

WHEREAS, the Director intends to establish a Health Insurance Advisory Board as a component of the Insurance Advisory Panel; and

WHEREAS, the Governor believes that an insurance advisory panel will authorize the Department to consolidate and coordinate the various advisory groups, furthering its mission to provide effective consumer protection and efficient regulation of the insurance industry; and

WHEREAS, this order is in the public interest.

NOW THEREFORE, I, Matt Blunt, Governor of Missouri, by virtue and authority vested in me by the Constitution and laws of the State of Missouri, do hereby create and establish the Insurance Advisory Panel.

The Insurance Advisory Panel shall consist of members appointed by the Director of Insurance. The Director shall designate one (1) member to serve as chair. All members shall serve at the pleasure of the Director.

Members of the Insurance Advisory Panel shall receive no compensation for their service to the people of Missouri, but may seek reimbursement for their reasonable and necessary expenses incurred as members of the Advisory Panel, in accordance with the rules and regulations of the Office of Administration, to the extent that funds are available for such purpose.

The membership of the Insurance Advisory Panel shall consist of individuals representing consumer interest groups and diverse segments of the insurance industry, as well as such other members as the Director from time to time may appoint.

The members on the Insurance Advisory Panel, if at all possible, shall include a wide geographical representation of Missouri, and the number of members shall not exceed twenty-one (21).

The Insurance Advisory Panel shall have the following objectives and duties:

- (a) To meet at least annually with the Director;
- (b) To provide advice to the Director on insurance laws and regulations, and legislative or administrative modifications to these laws currently under consideration;
- (c) To initiate proposals and recommendations to the Director;
- (d) To provide advice to the Director on the efficiency and fairness of the Department with particular emphasis on market and financial regulation;
- (e) To provide advice to the Director in anticipating changes in the various insurance markets so that this agency can be responsive to the needs of consumers and the public markets; and
- (f) To maintain a record of the Insurance Advisory Panel continuity and work.

The Insurance Advisory Panel may meet at such times as determined by the Director. Any meeting must be posted, in accordance with the Missouri Sunshine Law, Chapter 610, RSMo.

The Insurance Advisory Panel shall expire on January 31, 2009 unless renewed by Executive Order.



ATTEST:

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 19th day of July, 2005.

A handwritten signature in black ink, reading "Matt Blunt", written over a horizontal line.

Matt Blunt
Governor

A handwritten signature in black ink, reading "Robin Carnahan", written over a horizontal line.

Robin Carnahan
Secretary of State

**EXECUTIVE ORDER
05-20**

WHEREAS, providing safety and security for Missouri's citizens is a fundamental responsibility and profound duty of state government; and

WHEREAS, state government must be proactive and innovative in preparing for and protecting Missouri's citizens from acts of terrorism, carried out by foreign or domestic groups; and

WHEREAS, state government must be prepared to respond to and mitigate the effect of disasters, both natural and man-made; and

WHEREAS, providing a cohesive, effective homeland security plan that provides for the safety and security of Missourians requires cooperation among federal, state, and local governments, and private sector and citizen groups; and

WHEREAS, federal Homeland Security grant funds are valuable resources that should be expended by state and local governments in the most efficient and effective way possible to provide robust protection and preparedness for the citizenry.

NOW, THEREFORE, I, MATT BLUNT, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority placed in me by the Constitution and the Laws of the State of Missouri, do hereby establish the Missouri Homeland Security Advisory Council (herein called the "Council") to review and evaluate current state and local homeland security plans and make recommendations for changes to better protect Missourians and to review requests and provide recommendations on the appropriate use of Homeland Security grant funds from the federal government so that they are expended in a coordinated fashion ensuring the protection of the state as a whole.

I hereby charge the Missouri Homeland Security Advisory Council with the task of ensuring that proper homeland security plans and coordination are in place at the state and local level and that homeland security grant expenditures are done in a coordinated and efficient way. Specifically, the Council shall:

1. Evaluate current state homeland security plans and make recommendations for modifications to ensure that Missouri's plans are properly equipped to respond to threats, whether foreseeable or unforeseeable.
2. Work with city and county officials to ensure that localities are integrated into and participating in homeland security planning and preparation.
3. Make recommendations for structural changes that will facilitate better cooperation and coordination between state and local homeland security/emergency responder personnel.
4. Develop policies and procedures to ensure that homeland security plans remain up-to-date and capable of responding to emerging threats.

5. Develop a system whereby the Council or some subset of the Council reviews homeland security grant requests and recommends to the Homeland Security Director approval or denial of those requests based on whether the request furthers a local or state homeland security objective.
6. Review the state Homeland Security grant reimbursement process and procedures and make recommendations for ways to better integrate local communities into the larger state homeland security readiness plan. Include recommendations for improvements to the policies and procedures for submitting grant requests and providing feedback to localities regarding how they can better integrate their efforts with the state's efforts.
7. Within 120 days of the signing of this order, the Council shall generate an up-to-date, comprehensive, statewide emergency preparedness, response, and recovery plan for approval by the governor. The Council may make recommendations for revision to this plan at a later date based on its findings resulting from the aforementioned tasks.

This work shall be completed as soon as practicable, but unless otherwise specified, no later than January 1, 2006. The Council may recommend that it continue some or all of these functions but such continuation must be authorized by the governor.

The Council shall consist of seventeen members. The Chairman of the Council shall be the Director of the Department of Public Safety. The Vice Chairman of the Council shall be the Director of the Division of Homeland Security. Other members of the Council shall include: the Director of the State Emergency Management Agency, the Directors of Health and Senior Services, Transportation, Agriculture, Natural Resources, and Economic Development, the Chief Information Officer of the State, the State Adjutant General, the Superintendent of the Missouri State Highway Patrol, the State Fire Marshal, the Commissioner of the Water Patrol, the Chairman of the Public Service Commission, and three public members appointed by the governor. The Governor at his discretion may appoint ex-officio members to the Council.

Members of the Council shall receive no compensation for their service to the people of Missouri, but may seek reimbursement of their reasonable and necessary expenses incurred as members of the Council, in accordance with the rules and regulations of the Office of Administration.

The Council is assigned for administrative purposes to the Department of Public Safety. The Director of the Department of Public Safety or his designee shall be available to assist the Council as necessary, and shall provide the Council with any staff assistance that they may require from time to time. All Departments in the Executive Branch of Missouri state government are directed to cooperate with the Council, and shall provide such assistance to the Council as it shall request.

I hereby direct all executive branch departments and agencies to prepare, within 120 days of the signing of this order, emergency response plans or updates to existing plans that address the continuity of their operations and services and the security of their constituents and employees in the event of natural or man-made disasters or emergencies, including terrorist attacks. These

plans shall be presented to the Director of the Division of Homeland Security through the Director of the State Emergency Management Agency and shall be made available to the Council as part of its work in evaluating statewide emergency preparedness, response, and recovery plans. The Council shall assist executive departments in this endeavor at their Department Director's request.

Furthermore, I hereby establish the office of the Division of Homeland Security within the Department of Public Safety. The Director of the Division of Homeland Security shall report to the Director of Public Safety. The Director of Homeland Security shall coordinate activities to promote unity of effort among federal, state, local, private sector, and citizen activities related to emergency preparedness and homeland security. The Director of Homeland Security shall also perform any other duties assigned to him by the Director of Public Safety.

This Executive Order rescinds Executive Orders 02-15 and 02-16.




IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 21st day of July, 2005.



Matt Blunt
Governor

ATTEST:



Robin Carnahan
Secretary of State

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbolology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

[[G]] (H) Certification of Licensure Fee	\$ 10.00
[[H]] (I) Renewal Fee (retired)	\$ 50.00
[[I]] (J) Section Regrade Fee (Written Practical)	\$ 25.00
[[J]] (K) Reevaluation Fee (Oral Practical)	\$ 50.00
[[K]] (L) Meridian Therapy/Acupressure/Acupuncture Certification Application Fee	\$100.00
[[L]] (M) Preceptorship Program Application Fee	\$ 35.00
[[M]] (N) Insurance Consultant Certification Fee	\$100.00
[[N]] (O) Insurance Consultant Renewal Fee	\$100.00
[[O]] (P) Fingerprinting Fee (amount determined by the Missouri State Highway Patrol)	
[[P]] (Q) Continuing Education Sponsor Fee (per session)	\$ 5.00
[[Q]] (R) Annual Continuing Education Sponsor Fee	\$500.00**
[[R]] (S) Continuing Education Late Fee	\$ 50.00
[[S]] (T) Bad Check Fee	\$ 25.00

AUTHORITY: sections 43.543, *RSMo Supp. 2004* and 331.070 and 331.100.2, *RSMo 2000*. Emergency rule filed June 30, 1981, effective July 9, 1981, expired Nov. 11, 1981. Original rule filed June 30, 1981, effective Oct. 12, 1981. Amended: Filed April 1, 2005. For intervening history, please consult the *Code of State Regulations*. Amended: Filed June 29, 2005.

PUBLIC COST: This proposed amendment will reduce the State Board of Chiropractic Examiners Fund by approximately forty thousand dollars (\$40,000) biennially for the life of the rule. It is anticipated that the total savings will recur biennially for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed amendment will save private entities an estimated forty thousand dollars (\$40,000) biennially for the life of the rule. It is anticipated that the total savings will recur biennially for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Chiropractic Examiners, Loree Kessler, Executive Director, PO Box 672, Jefferson City, MO 65102 or via e-mail at chiropractic@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 70—State Board of Chiropractic Examiners Chapter 2—General Rules

PROPOSED AMENDMENT

4 CSR 70-2.090 Fees. The board is proposing to add a new subsection (1)(E) and reletter the remaining subsections accordingly.

PURPOSE: This amendment establishes an inactive status fee.

(1) The following fees hereby are established by the State Board of Chiropractic Examiners:

(E) Inactive Status Fee	\$100.00
[[E]] (F) Reactivation Fee	\$250.00
[[F]] (G) Certificate of Corporations Fee	\$ 15.00

PUBLIC ENTITY FISCAL NOTE

I. RULE NUMBER

Title 4 -Department of Economic Development

Division 70 - State Board of Chiropractic Examiners

Chapter 2 - General Rules

Proposed Rule - 4 CSR 70-2.090 Fees

Prepared June 21, 2005 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Loss of Revenue
State Board of Chiropractic Examiners	\$40,000.00

Total Loss of Revenue
Biennially for the Life of the Rule \$40,000.00

III. WORKSHEET

The board estimates that approximately 200 licensees will request an inactive status biennially. Licensees wishing to hold an inactive license will save approximately \$200 as the cost of the active license is \$300, thereby, causing a reduction in the board's fund of \$40,000 each biennial year.

IV. ASSUMPTION

1. The State Board of Chiropractic Examiners is statutorily obligated to enforce and administer the provisions of sections 331.010-331.115, RSMo. Fees are set so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 331.010-331.115, RSMo. Therefore, the inactive status fee is set at an amount sufficient to cover the cost and expense for the board to issue the license.

PRIVATE ENTITY FISCAL NOTE**I. RULE NUMBER****Title 4 -Department of Economic Development****Division 70 - State Board of Chiropractic Examiners****Chapter 2 - General Rules****Proposed Rule - 4 CSR 70-2.090 Fees**

Prepared June 21, 2005 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated biennial cost savings with compliance of the amendment by affected entities:
200	Licensees (Inactive Status Fee - Cost Savings of \$200)	\$40,000
	Estimated Biennial Cost Savings of Compliance for the Life of the Rule	\$40,000

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The board estimates that approximately 200 licensees will request an inactive status biennially. Licensees wishing to hold an inactive license will save approximately \$200 as the cost of the active license is \$300.
2. It is anticipated that the total savings will recur biennially for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 200—State Board of Nursing
Chapter 4—General Rules**

PROPOSED AMENDMENT

4 CSR 200-4.020 Requirements for Licensure. The board is proposing to amend paragraphs (1)(C)2. and 3., subsections (1)(D) and (1)(G), paragraph (5)(B)2., section (7), and subparagraphs (8)(A)3.G. and (8)(A)4.E. and removing incorporated by reference documents.

PURPOSE: This amendment requires applicants for licensure to utilize the Missouri State Highway Patrol's approved vendor for both a Missouri State Highway Patrol and Federal Bureau of Investigation fingerprint background checks. The board is also amending three (3) subsections of the rule to provide updated information.

(1) Examination.

(C) The candidate shall make written application to the Missouri State Board of Nursing for permission to be admitted to the licensing examination for professional/practical nurses. Application forms for the licensing examination shall be obtained from the Missouri State Board of Nursing.

1. A request for forms shall be made by the director of the program of professional/practical nursing and should include the names and completion dates of candidates who expect to apply for admission to the examination.

2. Application forms for out-of-state/country graduates may be obtained by *[writing]* **contacting** the State Board of Nursing, giving name, address, name and address of school of nursing and completion date.

3. Any applicant applying for the practical nurse licensing examination who is deficient in theory, clinical experience, or both, as stated in *[the Minimum Standards for Accredited Programs of Practical Nursing, which is incorporated herein by reference,]* **4 CSR 200, Chapter 3—Practical Nursing**, and has not earned a practical nursing degree or met the requirements for a comparable period of training as determined by the board *[[/ pursuant to 4 CSR 200-4.020(1)(B)]]*, will not be approved.

(D) A completed application for the licensing examination signed and accompanied by one (1) two-inch by two-inch (2" × 2") portrait/photograph of the applicant shall be submitted to the Missouri State Board of Nursing for evaluation along with the required examination fee, *[two (2) sets of his/her fingerprints and the fingerprinting fee as charged by the Missouri State Highway Patrol and Federal Bureau of Investigation]* **and proof of submission of fingerprints to the Missouri State Highway Patrol's approved vendor for both a Missouri State Highway Patrol and Federal Bureau of Investigation fingerprint background check** prior to the established deadline date set by the Missouri State Board of Nursing. **Proof shall consist of any documentation acceptable to the board. Any fees due for fingerprint background checks shall be paid by the applicant directly to the Missouri State Highway Patrol or its approved vendor.** All fees are nonrefundable. Note: The name appearing on the application will be the only legal name of the individual recognized by the Missouri State Board of Nursing unless evidence of the change in name has been submitted.

(G) *[Prior to the Missouri State Board of Nursing use of computerized adaptive testing, the term first licensing examination scheduled by the board, as used in section 335.081, RSMo, shall mean the pencil and paper National Council of State Boards of Nursing licensure examination administered to all applicants on the same day. After the Missouri State Board of Nursing uses computerized adaptive testing as the sole means of examination for licensure, t/*The term first licensing examination scheduled by the board, as used in section 335.081,

RSMo, shall mean the first licensure examination taken by the student which must be taken within ninety (90) days of graduation.

(5) Licensure by Endorsement in Missouri—Registered Nurses (RNs) and Licensed Practical Nurses (LPNs).

(B) Procedure for Application.

1. An applicant should request an application for endorsement licensure from the Missouri State Board of Nursing. The request shall include the full name, current mailing address and state of original licensure.

2. The application for endorsement licensure shall be completed in black ink with the affidavit portion properly executed before a notary public and submitted with the required application fee, *[two (2) sets of his/her fingerprints and the fingerprinting fee as charged by the Missouri State Highway Patrol and Federal Bureau of Investigation]* **and proof of submission of fingerprints to the Missouri State Highway Patrol's approved vendor for both a Missouri State Highway Patrol and Federal Bureau of Investigation fingerprint background check. Proof shall consist of any documentation acceptable to the board. Any fees due for fingerprint background checks shall be paid by the applicant directly to the Missouri State Highway Patrol or its approved vendor.** All fees are nonrefundable. The application shall be submitted to the Missouri State Board of Nursing.

3. The endorsement/verification of licensure form shall be forwarded by the applicant to the board of nursing for completion in the state or territory of original licensure by examination, or to Canada, with a request to submit the completed form to the Missouri State Board of Nursing.

4. The applicant shall cause an official nursing transcript to be forwarded directly to the Missouri State Board of Nursing office if a transcript is requested by the executive director or designee.

5. A final evaluation of the submitted application shall be made only after all required credentials are assembled.

6. The applicant shall be notified of this evaluation for licensure.

(7) Temporary Permit.

(A) Applicants wishing to practice professional/practical nursing in Missouri following the evaluation of the application and transcript, if requested to determine if the applicant meets licensure requirements in Missouri, should submit a copy of a current nursing license from another state, territory or Canada. A temporary permit may be secured for a limited period of time six (6) months until licensure is granted or denied by the Missouri State Board of Nursing or until the temporary permit expires, whichever comes first. If the applicant does not hold a current nursing license in another state, territory or Canada, a temporary permit may be issued upon receipt of a completed endorsement verification of licensure form and transcript, if requested. Applicants from Canada may apply for a temporary permit provided for by rule.

(8) Intercountry Licensure by Examination in Missouri—RN and LPN.

(A) Application Procedure.

1. A professional/practical nurse licensed outside of the United States or Canada shall be entitled to apply to take the examination for licensure if, in the opinion of the Missouri State Board of Nursing, current requirements for licensure in Missouri are met.

2. An applicant must request, in writing, an Application for Professional/Practical Nurse Licensure by Examination. The request shall include the applicant's full name, current mailing address and country of original licensure. The application shall be properly executed by the applicant in black ink and shall be included in the documents submitted to the Missouri State Board of Nursing for evaluation with the required credentials. All original documents shall be returned to the applicant. Credentials in a foreign language shall be

translated into English, the translation shall be signed by the translator and the signature shall be notarized by a notary public. The translation shall be attached to the credentials in a foreign language when submitted to the Missouri State Board of Nursing.

3. The required credentials for practical nurse applicants are—

A. A course-by-course evaluation report received directly from a foreign credentials evaluation service approved by the board;

B. A photostatic copy of birth certificate (if a copy of birth certificate is not available, copy of baptismal certificate, passport or notarized statement from an authorized agency will be accepted as verification of name, date of birth and place of birth);

C. Photostatic copy of marriage license/certificate (if applicable);

D. TOEFL certificate indicating successful completion of examination. Foreign practical nurse applicants from non-English speaking countries or from English speaking countries with different native language shall be required to take the TOEFL and attain a minimum score of fifty (50) in each section of the paper-based examination OR a minimum score of sixteen (16) in the Computer-Based Listening, eighteen (18) in the Computer-Based Structure/Writing, and fifteen (15) in the Computer-Based Reading section of the Computer-Based Test of English as a Foreign Language (TOEFL) Examination. When the applicant achieves a passing score (as defined above) in each section of the test, the board of nursing will not address itself to that section should there be a required repeat of the examination for other sections;

E. Test of Spoken English (TSE®) Certificate indicating that the applicant has obtained a minimum overall score of forty-five (45);

F. Photostatic copy of original license issued by the licensing agency where original licensure/registration was secured by examination; and

G. The completed application must be accompanied by one (1) two-inch by two-inch (2" × 2") portrait/photograph of the applicant, *[two (2) sets of his/her fingerprints, the fingerprinting fee as charged by the Missouri State Highway Patrol and Federal Bureau of Investigation]* and **proof of submission of fingerprints to the Missouri State Highway Patrol's approved vendor for both a Missouri State Highway Patrol and Federal Bureau of Investigation fingerprint background check. Proof shall consist of any documentation acceptable to the board. Any fees due for fingerprint background checks shall be paid by the applicant directly to the Missouri State Highway Patrol or its approved vendor**, and the required application fee. All fees are nonrefundable.

4. The required credentials for professional nurse applicants are—

A. Commission on Graduates of Foreign Nursing Schools (CGFNS) Certificate. The CGFNS agency must forward the certificate to our office. This certification must signify a passing grade on the CGFNS English language and nursing practice proficiency examination as evidence of meeting similar qualifications of graduates of nursing programs in Missouri for the purpose of qualifying for admission to the licensure examination;

B. A photostatic copy of birth certificate (if a copy of birth certificate is not available, a copy of baptismal certificate, passport or notarized statement from authorized agency will be accepted as verification of name, date of birth and place of birth);

C. Photostatic copy of original license or certificate issued by the licensing agency where original licensure/registration was secured by examination;

D. Photostatic copy of marriage license/certificate (if applicable); and

E. The completed examination application with the required examination fee, one (1) two-inch by two-inch (2" × 2") portrait/photograph of the applicant, *[two (2) sets of his/her fingerprints, the fingerprinting fee as charged by the Missouri State Highway Patrol and Federal Bureau of Investigation]* and **proof of submission of fingerprints to the Missouri State**

Highway Patrol's approved vendor for both a Missouri State Highway Patrol and Federal Bureau of Investigation fingerprint background check. Proof shall consist of any documentation acceptable to the board. Any fees due for fingerprint background checks shall be paid by the applicant directly to the Missouri State Highway Patrol or its approved vendor. /a/All the credentials shall be submitted to the Missouri State Board of Nursing.

AUTHORITY: sections 335.036(2) and (7), 335.046 and 335.051, RSMo 2000. Original rule filed Oct. 14, 1981, effective Jan. 14, 1982. For intervening history, please consult the Code of State Regulations. Amended: Filed July 29, 2005.

PUBLIC COST: The proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities approximately ninety-eight thousand two hundred fifty-two dollars (\$98,252) annually for the life of the rule with a continuous annual increase of one thousand nine hundred sixty-eight dollars (\$1,968). It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075 or via e-mail at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 4 -Department of Economic Development

Division 200 - State Board of Nursing

Chapter 2 - General Rules

Proposed Amendment - 4 CSR 200-4.020 Requirements for Licensure

Prepared July 15, 2005 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated biennial cost of compliance with the amendment by affected entities:
7,587	Applicants (fingerprinting fees - \$12.95	\$98,252
Estimated Annual Cost of Compliance for the Life of the Rule		\$98,252 with a continous annual increase of \$1,968

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. In FY05 the board received 3,510 licensure by endorsement applications and 4,077 examination applications for a total of 7,587 applications. Currently applicants pay a \$38.00 fingerprinting fee. The new fee will be \$50.95, therefore, applicants will incur an increase of \$12.95 annually for the life of the rule.
2. The board anticipates a 2% increase in the number of applicants affected by this amendment annually.
3. The fingerprinting processing fee is a pass through fee that does not effect the board's fund. The board estimates the Missouri Highway Patrol will receive the estimated \$98,252 annually with a continuous annual increase of \$1,968 for the life of the rule.
4. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 255—Missouri Board for Respiratory Care
Chapter 1—General Rules**

PROPOSED AMENDMENT

4 CSR 255-1.040 Fees. The board is proposing to amend subsections (1)(I) and (1)(J).

PURPOSE: The Missouri Board for Respiratory Care is statutorily obligated to enforce and administer the provisions of section 334.850, RSMo. Pursuant to section 334.850, RSMo, the board shall set by rule the appropriate amount of fees so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the committee for administering the provisions of sections 334.800–334.930, RSMo. Therefore, the board is reducing the fees associated with renewal.

(1) The following fees are established by the Division of Professional Registration and are payable in the form of a cashier's check, personal check, or money order:

(I) Biennial License Renewal Fee	\$/100.00/ 50.00
(J) Late Renewal Penalty Fee	\$/50.00/ 100.00

AUTHORITY: sections 334.800, 334.840.2 and 334.850, RSMo 2000, 334.870, 334.880, 334.890 and 610.026, RSMo Supp. 2004. Emergency rule filed June 25, 1998, effective July 6, 1998, expired Feb. 25, 1999. Original rule filed June 25, 1998, effective Jan. 30, 1999. Amended: Filed Dec. 30, 1999, effective June 30, 2000. Amended: Filed March 14, 2001, effective Sept. 30, 2001. Amended: Filed July 29, 2005.

PUBLIC COST: This proposed amendment will reduce the Missouri Board for Respiratory Care Fund by approximately one hundred fifty-nine thousand three hundred fifty dollars (\$159,350) biennially for the life of the rule. It is anticipated that the total savings will recur biennially for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed amendment will save private entities an estimated one hundred fifty-nine thousand three hundred fifty dollars (\$159,350) biennially for the life of the rule. It is anticipated that the total cost will recur biennially for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Respiratory Care, PO Box 1335, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

PUBLIC ENTITY FISCAL NOTE

I. RULE NUMBER

Title 4 -Department of Economic Development

Division 255-1.040

Chapter 1 - General Rules

Proposed Rule - 4 CSR 255-1.040 Fees

Prepared July 19, 2005 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Loss of Revenue
Missouri Board for Respiratory Care	\$159,350.00

Total Loss of Revenue
Biennially for the Life of the Rule \$159,350.00

III. WORKSHEET

Based on FY05 actuals, the board estimates approximately 3,241 active respiratory care practitioners will save \$50 when renewing their license and an average of 54 licensees will be required to pay an additional \$50 in penalty fees each renewal period. Therefore, the Missouri Board for Respiratory Care will have a revenue decrease of \$159,350.

IV. ASSUMPTION

1. The Missouri Board for Respiratory Care is statutorily obligated to enforce and administer the provisions of sections 334.850, RSMo. Pursuant to section 334.850, RSMo, the board shall set by rule the appropriate amount of fees so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the committee for administering the provisions of Chapter 334.800-334.930, RSMo. Therefore, the board is reducing the fees associated with renewal.

PRIVATE ENTITY FISCAL NOTE**I. RULE NUMBER****Title 4 -Department of Economic Development****Division 255-1.040****Chapter 1 - General Rules****Proposed Rule - 4 CSR 255-1.040 Fees**

Prepared July 19, 2005 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated biennial cost savings with compliance of the amendment by affected entities:
3,241	Licensees (Renewal Fee - \$50 Decrease)	\$162,050
54	Licensees (Penalty Fee - \$50 Increase)	\$2,700
Estimated Biennial Cost Savings of Compliance for the Life of the Rule		\$159,350

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. Based on FY05 actuals, the board estimates approximately 3,241 active respiratory care practitioners will renew their license and an average of 54 licensees will be required to pay penalty fees each renewal period.
2. It is anticipated that the total savings will recur biennially for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS
Division 20—Labor and Industrial Relations Commission
Chapter 2—General Rules**

PROPOSED AMENDMENT

8 CSR 20-2.010 Governing Rules. The commission is amending section (3).

PURPOSE: This amendment changes the office hours of the commission to be the same as all state agencies.

(3) The commission will transact business at its office at 3315 West Truman Boulevard, Jefferson City, Missouri (mailing address: P[./O./] Box 599, Jefferson City, MO 65102) every day of the year except Saturdays, Sundays and legal holidays[, during the hours of 7:45 a.m. and 4:45 p.m.]. The commission, at its discretion, from time-to-time may hold public sessions at any time or place within Missouri as may be required.

AUTHORITY: section 286.060, RSMo [Supp. 1997] 2000. This version of rule filed Dec. 18, 1975, effective Dec. 28, 1975. Amended: Filed Aug. 15, 1991, effective Jan. 13, 1992. Amended: Filed Oct. 28, 1998, effective April 30, 1999. Amended: Filed July 19, 2005.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Labor and Industrial Relations Commission, Attn: William F. Ringer, Chairman, PO Box 599, Jefferson City, MO 65104-0599. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 10—Adjutant General
Chapter 5—Missouri Veterans' Recognition Program**

PROPOSED AMENDMENT

11 CSR 10-5.010 Missouri Veterans' Recognition Program. The Adjutant General is amending subsections (1)(I), and (J), subsection (4)(B), sections (6) and (9).

PURPOSE: This amendment prescribes guidelines as required by section 42.175, RSMo, to administer the World War II Veterans' Recognition, Missouri World War II "D-Day" Invasion of Europe Medal Program and the Korean Medal Program. These guidelines provide a framework for World War II and Korean veterans to apply for medal, medallion, and certificates in recognition of their service to Missouri and our nation during World War II and Korea.

(1) Definitions as used in this rule, unless the context clearly indicates otherwise, the following terms shall mean:

(I) Eligible World War II veteran—Any person defined as a veteran by the United States Department of Veterans Affairs, who honorably served on active duty in the United States military service at anytime beginning December 7, 1941 and ending December 31, 1946 provided 1) that such veteran was a legal resident of the state

of Missouri [on August 28, 2000] or was a legal resident of this state at the time he or she entered or was discharged from military service or at the time of his or her death; and 2) such veteran was honorably separated or discharged from military service or is still in active service in honorable status, or was legal resident of this state at the time of his or her death;

(J) Eligible Korean Conflict Veteran—Any person defined as a veteran by the United States Department of Veterans Affairs, who honorably served on active duty in the United States military service at anytime beginning June 27, 1950 and ending January 31, 1955 provided—

1. That such veteran was a legal resident of the state of Missouri [on August 28, 2003] or was a legal resident of this state at the time he or she entered or was discharged from military service or at the time of his or her death; and

2. Such veteran was honorably separated or discharged from military service or is still in active service in honorable status, or was a legal resident of this state at the time of his or her death;

(4) To be eligible for the World War II or Korean Conflict Veterans' Recognition Awards, the veteran must:

(B) Be a legal resident of Missouri [on August 28, 2000 for World War II veteran and August 28, 2003 for the Korean Conflict veteran] or was a legal resident of this state at the time he or she entered or was discharged from military service or at the time of his or her death;

(6) World War II, "D-Day" Invasion of Europe, and Korean Conflict veterans, to obtain authorized medals, medallions, and certificates, must complete an application form and provide copies of appropriate military service record verification forms to the Office of the Adjutant General, Attention: Director, Missouri Veterans' Recognition Program, 2303 Militia Drive, Jefferson City, MO 65101-1203. World War II and Jubilee of Liberty award applications must be submitted anytime after January 1, 2001[, and before July 1, 2004]. Korean Conflict Award applications must be submitted anytime after January 1, 2004[, and before January 1, 2005]. Applications and service forms will not be returned and will become property of the state of Missouri.

(9) The distribution of specific state awards under this rule is subject to the availability of and receipt of funding and the approval of a state appropriation for that purpose. Upon receipt of funding and an approved appropriation, awards will be distributed as expeditiously as possible. **Medallion, medal, and certificates shall be awarded until the supply of medallions, medals, and certificates is exhausted. The Adjutant General shall notify the general assembly when such supply totals less than one hundred (100).**

AUTHORITY: section 42.175, RSMo Supp. [2003] 2004. Original rule filed Sept. 14, 2000, effective March 30, 2001. Emergency amendment filed July 22, 2002, effective Aug. 1, 2002, expired Feb. 27, 2003. Amended: Filed July 22, 2002, effective Jan. 30, 2003. Emergency amendment filed July 25, 2003, effective Aug. 21, 2003, expired Feb. 17, 2004. Amended: Filed July 25, 2003, effective Feb. 29, 2004. Emergency amendment filed July 19, 2005, effective July 29, 2005, expires Jan. 24, 2006. Amended: Filed July 19, 2005.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions eighty thousand dollars (\$80,000) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of the Adjutant General, Attn: JFMO-SX, 2303 Militia Drive, Jefferson City, MO 65101-1203. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PUBLIC COST**

I. RULE NUMBER

Rule Number and Name:	11 CSR 10-5.010 Missouri Veterans Recognition Program
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
DPS/Office of the Adjutant General	\$80,000
(Veterans Commission CI Trust Fund)	
	\$80,000 (Total)

III. WORKSHEET

All costs reflected in fiscal note from House Bill 163, 213, and 216 (93rd General Assembly) are estimates, actual program cost will vary based on the amount of recognition award requests received. Personal Service and Expense and Equipment operating costs projected in this note include salaries, fringe benefits, contract labor, awards, mailing costs, public awareness programs and other miscellaneous program operating expenses and equipment items.

IV. ASSUMPTIONS

RSMo, 313.835 1 (2)f, authorizes monies deposited in the Veterans Commission Capitol Improvement Trust Fund (VCCITF) to be used to support the WWII Veterans Recognition Program and the Korean Conflict Veteran Award Program.

By extending the WWII Veteran Recognition Program indefinitely (as long as the existing medal supply stock lasts), and making legal residents of this state at the time they entered or were discharged from service or at the time of their death eligible to apply for the award. It is assumed that many of Missouri's 435,000 WWII veterans will apply. Approximately 43,205 WWII awards were issued as of June 21, 2005.

Additionally the Missouri Veterans Commission estimates that 150,000 Missourians served in the Korean War and as of June 21, 2005, 13,483 medals have been awarded with more awards to be issued.

The OTAG assumes both temporary state employees and contract labor will be employed to administer the program. Currently the OTAG has 2,131 WWII medals, and 565 Jubilee of Liberty medals, and 5,784 Korean War Medals in stock. In addition to the personnel costs the OTAG anticipates expenses for mailing, packaging, certificates, etc. not to exceed \$80,000 in FY 06 and 07.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 86—Residential Care Facilities I and II**

PROPOSED AMENDMENT

19 CSR 30-86.022 Fire Safety Standards for New and Existing Residential Care Facilities I and II. The department is amending subsections (2)(A) and (6)(C).

PURPOSE: This rule is being amended in order to update incorporation by reference language in subsection (2)(A) and to correct an inaccurate reference that appears in subsection (6)(C).

(2) General Requirements.

(A) All National Fire Protection Association (NFPA) codes and standards cited in this rule *[are incorporated by reference in this rule]*: NFPA 10, *Standard for Portable Fire Extinguishers*, 1994 edition; NFPA 13R, *Installation of Sprinkler Systems*, 1996 edition; NFPA 13, *Installation of Sprinkler Systems*, 1976 edition; NFPA 13 or NFPA 13R, *Standard for the Installation of Sprinkler Systems in Residential Occupancies Up to and Including Four Stories in Height*; 1999 edition; NFPA 13 or NFPA 13D, *Standard for the Installation of Sprinkler Systems*, 1999 edition; NFPA 13D, *Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes*, 1994 edition; NFPA 96, *Ventilation Control and Fire Protection of Commercial Cooking Operations*, 1994 edition; NFPA 101, *The Life Safety Code*, 2000 edition; NFPA 72, *National Fire Alarm Code*, 1996 edition; NFPA 72A, *Local Protective Signaling Systems*, 1975 edition; NFPA 25, *Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems*, 1998 edition; and NFPA 253, *Standard Method of Test for Critical Radiant Flux of Floor Covering Systems Using a Radiant Heat Energy Source*, 2000 edition with regard to the minimum fire safety standards for residential care facilities I and II **are incorporated by reference in this rule and available for purchase from the National Fire Protection Agency, 1 Batterymarch Park, Quincy, MA 02269-9101; www.nfpa.org; by telephone at (617) 770-3000 or 1-800-344-3555.** This rule does not incorporate any subsequent amendments or additions to the materials listed above.

(6) Exits, Stairways and Fire Escapes.

(C) Floors housing residents who require the use of a walker, wheelchair or other assistive devices or aids, or who are blind, must have two (2) accessible exits to grade or such residents must be housed near accessible exits as specified in 19 CSR 30-86.042/(36)/(32). Facilities equipped with a complete sprinkler system, in accordance with the 1996 edition of NFPA 13 or NFPA 13R with sprinklered attics, and smoke partitions, as defined by subsection (9)(I) of this rule, may house such residents on floors that do not have accessible exits to grade if each required exit is equipped with an area of refuge as defined and described in subsections (1)(A) and (6)(D) of this rule. I/II

AUTHORITY: section 198.076, RSMo 2000. This rule originally filed as 13 CSR 15-15.022. Original rule filed July 13, 1983, effective Oct. 13, 1983. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Aug. 1, 2005.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with David S. Durbin, J.D., M.P.A., Director, Division of Regulation and Licensure, Department of Health and Senior Services, PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**DEPARTMENT OF INSURANCE
Division 400—Life, Annuities and Health
Chapter 5—Advertising**

PROPOSED AMENDMENT

20 CSR 400-5.600 Missouri Life and Health Insurance Guaranty Association. The Department of Insurance is amending Appendix One by correcting the mailing addresses of the Missouri Life and Health Insurance Guaranty Association and the Department of Insurance.

PURPOSE: This amendment corrects the mailing addresses for the Missouri Life and Health Insurance Guaranty Association and the Department of Insurance.

**APPENDIX ONE
NOTICE CONCERNING COVERAGE
LIMITATIONS AND EXCLUSIONS UNDER THE LIFE AND
HEALTH INSURANCE GUARANTY ASSOCIATION ACT**

Residents of this state who purchase life insurance, annuities or health insurance should know that the insurance companies licensed in this state to write these types of insurance are members of the Missouri Life and Health Insurance Guaranty Association. The purpose of this association is to assure that policyholders will be protected, within limits, in the unlikely event that a member insurer becomes financially unable to meet its obligations. If this should happen, the guaranty association will assess its other member insurance companies for the money to pay the claims of insured persons who live in this state and, in some cases, to keep coverage in force. The valuable extra protection provided by these insurers through the guaranty association is not unlimited, however. And, as noted in the box below, this protection is not a substitute for consumers' care in selecting companies that are well-managed and financially stable.

The Missouri Life and Health Insurance Guaranty Association may not provide coverage for this policy. If coverage is provided, it may be subject to substantial limitations or exclusions, and require continued residency in Missouri. You should not rely on coverage by the Missouri Life and Health Insurance Guaranty Association in selecting an insurance company or in selecting an insurance policy. Coverage is NOT provided for your policy or any portion of it that is not guaranteed by the insurer or for which you have assumed the risk, such as a variable contract sold by prospectus. Insurance companies or their insurance producers are required by law to give or send you this notice. However, insurance companies and their insurance producers are prohibited by law from using the existence of the guaranty association to induce you to purchase any kind of insurance policy. **YOU MAY CONTACT EITHER THE ASSOCIATION OR THE MISSOURI DEPARTMENT OF INSURANCE AT THE FOLLOWING ADDRESSES SHOULD YOU HAVE ANY QUESTIONS REGARDING THIS NOTICE.**

The Missouri Life and Health Insurance Guaranty Association
[520 Dix Road, Suite D]
994 Diamond Ridge, Suite 102
Jefferson City, MO 65109

Missouri Department of Insurance
PO Box 690
Jefferson City, MO 65102-0690

The state law that provides for this safety-net coverage is called the Missouri Life and Health Insurance Guaranty Association Act. On the back of this page is a brief summary of this law's coverages, exclusions and limits. This summary does not cover all provisions of the law; nor does it in any way change anyone's rights or obligations under the Act or the rights or obligations of the guaranty association.

(please turn to back of page)

Generally, persons will be covered if they live in this state, and hold a life or health insurance contract or annuity, or a certificate under a group policy or contract. However, not all individuals with a right to recover under life or health insurance policies or annuities are protected by the Act. A person is not protected when—

1. The person is eligible for protection under the laws of another state;
2. The person purchased the insurance from a company that was not authorized to do business in this state;
3. The policy is issued by an organization which is not a member insurer of the association; or
4. The person does not live in this state, except under limited circumstances.

Additionally, the Association may not provide coverage for the entire amount a person expects to receive from the policy. The Association does not provide coverage for any portion of the policy where the person has assumed the risk, for any policy of reinsurance (unless an assumption certificate was issued), for interest rates that exceed a specified average rate, for employers' plans that are self-funded, for parts of plans that provide dividends or credits in connection with the administration of policy, or for unallocated annuity contracts (which are generally issued to pension plan trustees). The Act also limits the amount the Association is obligated to pay persons on various policies. The Association does not pay more than the amount of the contractual obligation of the insurance company. The Association does not have to pay more than three hundred thousand dollars (\$300,000) in death benefits for any one life regardless of the number of policies that insure that life. The Association does not have to pay amounts over one hundred thousand dollars (\$100,000) in cash surrender or withdrawal benefits on one life regardless of the number of policies insuring that individual. For health insurance benefits, the Association is not obligated to pay over one hundred thousand dollars (\$100,000) including net cash surrender and withdrawal benefits. On an annuity contract, the Association is not liable for over one hundred thousand dollars (\$100,000) in present value. Finally, the Association is never obligated to pay more than a total of three hundred thousand dollars (\$300,000) for any one insured for any combination of insurance benefits.

APPENDIX TWO NOTICE

This policy or contract is not covered by the Missouri Life and Health Insurance Guaranty Association. If the company providing this policy or contract is unable to meet its obligation by reason of insolvency or financial impairment, the fund(s) of the Missouri Life and Health Insurance Guaranty Association will not be available to protect the policy or contract holder or his/her beneficiaries, payees or assignees.

AUTHORITY: sections 374.045.1(2) and 376.756, RSMo 2000. This rule was previously filed as 4 CSR 190-13.290. Original rule filed Sept. 6, 1988, effective April 1, 1989. Amended: Filed Dec. 1, 1989, effective May 1, 1990. Emergency amendment filed April 30, 1990, effective May 10, 1990, expired Aug. 7, 1990. Amended: Filed April 30, 1990, effective Sept. 28, 1990. Amended: Filed Aug. 4, 1992, effective May 6, 1993. Amended: Filed July 12, 2002, effective Jan. 30, 2003. Amended: Filed July 29, 2005.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities forty-three thousand three hundred dollars (\$43,300) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this proposed amendment at 10:00 a.m. on October 6, 2005. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested persons. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to the proposed amendment until 5:00 p.m. on October 6, 2005. Written statements shall be sent to Kevin Hall, Department of Insurance, PO Box 690, Jefferson City, MO 65102.

SPECIAL NEEDS: If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least (5) working days prior to the hearing.

**FISCAL NOTE
PRIVATE COST**

I. RULE NUMBER

Rule Number and Name:	20 CSR 400-5.600 Missouri Life and Health Insurance Guarantee Association
Type of Rulemaking:	Revision to current rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
866	Life, health, or annuity contracts and by the terms of sections 376.715 to 376.758	\$43,300.00
		Filing fee is waived in the first six months: \$0

III. WORKSHEET

Pursuant to the Annual Report of the Missouri Life and Health Insurance Guarantee Association for the year ending December 31, 2004 there are 866 insurance companies that may issue the type of coverage that this rule governs.

When the information contained in the rule has been filed separately from a policy form, the Life & Health Section considers it a rider or endorsement. As such, these forms have received a \$50 filing fee.

866 insurance companies x \$50 filing fee = \$43,300.00

IV. ASSUMPTIONS

The proposed change is to update the address for the Missouri Life and Health Insurance Guarantee Association.

Pursuant to Bulletin No. 91-03 this endorsement must be filed for approval. The traditional filing fee is \$50 for endorsements.

The Department of Insurance will not charge a filing fee for changes pursuant to this rule for six months after its effective date. After this period, the Life & Health Section will resume the \$50 fee assigned to endorsements. In addition to waiving the traditional \$50 filing fee, the Department of Insurance will accept forms on an informational basis for six months after the effective date of this rule if the filing company certifies in a cover letter that the only change from a previous filed form is the change to the addresses included in this rule.

**Title 20—DEPARTMENT OF INSURANCE
Division 400—Life, Annuities and Health
Chapter 7—Health Maintenance Organizations**

PROPOSED AMENDMENT

20 CSR 400-7.095 HMO Access Plans. The department is amending sections (1), (2) and (5), and a portion of Exhibit A.

PURPOSE: This amendment updates the information required to be submitted as part of an access plan for a health maintenance organization's managed care plans, including access regarding mental health facilities, pursuant to section 354.603, RSMo Supp. 2001, and the process for approval or disapproval of the access plans filed.

(1) Definitions.

(E) Distance standard—The travel distance standards set forth in Exhibit A, which is included herein. Each distance standard represents the maximum number of miles an enrollee may be required to travel in order to access participating providers of the managed care plan. *[The standards set forth in Exhibit A apply for members living or working within an HMO's approved service area.] The standards set forth in Exhibit A shall be used to evaluate enrollee access in each county of an HMO's current service area.*

(I) Hospitals—

1. Basic—Hospitals that meet any of the following criteria:

A. Licensed hospitals that designate themselves as general medical surgical hospitals in the Department of Health and Senior Services licensure survey and which offer general medical surgical care to all ages of the general population;

B. State-owned hospitals that provide general medical surgical care and are available to the general population, such as a university teaching hospital;

C. Hospitals located in an adjacent state, appropriately licensed by that state, and offering general medical surgical care to all ages of the general population; or

D. Children's hospitals, except that children's hospitals shall not be included in the calculation of the basic hospital enrollee access rate.

2. Secondary—Basic hospitals with at least one (1) operating room, obstetrics unit, and intensive care unit, **based on the most recent available Department of Health and Senior Services licensure survey or other available sources of information that are appropriate and verifiable.**

(K) Mental health facilities—

1. Inpatient mental health treatment facility—

A. A hospital offering staffed psychiatric or alcohol/chemical dependency beds and having psychiatrists on staff based on the most recent available Department of Health and Senior Services licensure survey; or

B. A facility recognized by the federal Substance Abuse and Mental Health Service Administration as a psychiatric hospital, a general hospital with a psychiatric unit; or

C. An inpatient substance abuse hospital, or an inpatient facility identified through other available sources of information that are appropriate and verifiable.

2. Ambulatory mental health treatment provider—

A. A hospital outpatient psychiatric or alcohol/chemical dependency service identified in the most recent available Department of Health and Senior Services licensure survey; or

B. A provider recognized by the Missouri Department of Mental Health as a community psychiatric rehabilitation center, a community psychiatric rehabilitation program, a community psychiatric rehabilitation day program, an outpatient program, an access crisis intervention program, an offsite day habilitation program, an onsite day habilitation program, a day program, a supported employment program, an alcohol or drug treatment

and rehabilitation program, an alcohol or drug abuse prevention program; or

C. A provider recognized by the federal Substance Abuse and Mental Health Service Administration as a multi-setting mental health organization, a partial hospitalization/day treatment provider or an outpatient clinic; or

D. A nonresidential, non-inpatient provider of mental health related services identified through other available sources of information that are appropriate and verifiable.

3. Residential mental health treatment provider—

A. A provider recognized by the Missouri Department of Mental Health as a group home, a residential care facility, a semi-independent living arrangement, an intermediate care facility, a residential center, a residential habilitation provider, a supported living arrangement, a family living arrangement; or

B. A provider recognized by the federal Substance Abuse and Mental Health Service Administration as a residential substance abuse provider, a community residential organization, a residential treatment center for children; or

C. A provider of mental health services in residential settings identified through other available sources of information that are appropriate and verifiable.

[(K)](L) Network—The group of participating providers providing services to a managed care plan or pursuant to a health benefit plan established by an HMO. The meaning of the term network is further clarified for purposes of this rule as such: A network is one (1) component of a managed care plan. A network is the identified set of health care providers managed, owned, under contract with or employed by the HMO, either directly or indirectly, for purposes of rendering medical services to all enrollees of a managed care plan.

[(L)](M) Offer—An HMO is offering a managed care plan when it is presenting that managed care plan for sale in Missouri.

[(M)](N) Participating provider—A provider who, under a contract with the HMO or with the HMO's contractors or subcontractors, has agreed to provide health care services to all enrollees of a managed care plan with an expectation of receiving payment directly or indirectly from the HMO. The following types of providers are not participating providers:

1. Providers to which an enrollee may not go for covered services, with or without a referral from a primary care provider;

2. Providers that are only available in the event that an enrollee has a point-of-service benefit level, or other option attached to the HMO level of benefits; and

3. A provider that has agreed to render services to an enrolled person in an isolated instance for purposes of treating a medical need that cannot otherwise be met within the network.

[(N)](O) Pharmacy—Any pharmacy, drug store, chemical store or apothecary shop possessing a valid and current permit issued by the State of Missouri Board of Pharmacy and doing business for the purposes of compounding, dispensing and retailing any drug, medicine, chemical or poison to be used for filling a physician's prescription.

[(O)](P) Primary care provider (PCP)—A participating health care professional designated by the HMO to supervise, coordinate, or provide initial care or continuing care to an enrollee, and who may be required by the HMO to initiate a referral for specialty care and maintain supervision of health care services rendered to the enrollee. A PCP may be a professional who practices general medicine, family medicine, general internal medicine or general pediatrics. A PCP may be a professional who practices obstetrics and/or gynecology, in accordance with the provider contracts and health benefit plans of the HMO.

[(P)](Q) Specialist—A licensed health care professional whose area of specialization is in an area other than general medicine, family medicine or general internal medicine. A professional whose area of specialization is pediatrics, obstetrics and/or gynecology may be either a PCP or a specialist within the meaning of this rule.

[(Q)](R) Tertiary services.

1. Level I or Level II trauma unit—a *[secondary]* hospital with a Level I or Level II trauma unit *[according to the most recent Hospital Profiles]* based on the most recent available Department of Health and Senior Services licensure survey or other available sources of information that are appropriate and verifiable. A trauma unit that is designated as pediatric only by the Bureau of Emergency Medical Services does not satisfy the requirements of this rule.

2. Neonatal intensive care unit—a children's hospital or secondary hospital offering a neonatal intensive care unit *[according to the most recent Hospital Profiles]* based on the most recent available Department of Health and Senior Services licensure survey or other available sources of information that are appropriate and verifiable.

3. Perinatology services—a secondary hospital with active perinatologists on staff *[and offering perinatal items according to the most recent Hospital Profiles]* based on the most recent available Department of Health and Senior Services licensure survey or other available sources of information that are appropriate and verifiable.

4. Comprehensive cancer services—any hospital with active board certified oncologists on staff, *[according to the most recent Hospital Profiles, and offering all cancer services listed in the most recent Hospital Profiles]* based on the most recent available Department of Health and Senior Services licensure survey or other available sources of information that are appropriate and verifiable. A hospital with comprehensive cancer services will also offer all services listed in the most recent available Department of Health and Senior Services licensure survey, if any.

5. Cardiac catheterization—a secondary hospital with active cardiovascular disease physicians on staff and offering a cardiac catheterization lab and adult cardiac catheterizations *[according to the most recent Hospital Profiles]* based on the most recent available Department of Health and Senior Services licensure survey or other available sources of information that are appropriate and verifiable.

6. Cardiac surgery—a secondary hospital with active cardiovascular disease physicians on staff and offering open heart surgery *[according to the most recent Hospital Profiles]* based on the most recent available Department of Health and Senior Services licensure survey or other available sources of information that are appropriate and verifiable.

7. Pediatric subspecialty care—a children's hospital or secondary hospital with active pediatricians and pediatric specialists on staff and offering staffed pediatric beds *[according to the most recent Hospital Profiles]* based on the most recent available Department of Health and Senior Services licensure survey or other available sources of information that are appropriate and verifiable.

(2) Requirements for Filing Access Plans.

(A) Annual filing—By March 1 of each year, an HMO must file an access plan for each managed care plan it was offering in this state on January 1 of that same year. An HMO may file separate access plans for each managed care plan it offers, or it may file a consolidated access plan incorporating information for multiple managed care plans that it offers, so long as the information submitted with the consolidated access plan clearly identifies the managed care plan or plans to which it applies. The access plan must contain the following information for each managed care plan to which it applies:

1. Pursuant to section 354.603.2(1), RSMo, either:

A. Information regarding the participating providers in each managed care plan's network and the enrollees covered by each managed care plan in a format to be determined by the department including, but not limited to, the following:

(I) The name, address where medical care is provided, zip code, professional license number or other unique identifier as

assigned by the appropriate licensing or oversight agency, and specialty, degree or type of each provider;

(II) Whether or not the provider is a closed practice provider, as defined in subsection (1)(C) of this regulation, above; and

(III) The number of enrollees by either work or residence zip code in each managed care plan to which the access plan applies;

B. Proof of accreditation identifying the accredited entity and an affidavit in the form contained in Exhibit B, which is included herein, certifying that the managed care plan to which the affidavit applies has met one (1) or more of the following standards:

(I) The managed care plan is a Medicare + Choice (M + C) or successor coordinated care plan operated by the HMO pursuant to a contract with the federal Centers for Medicare and Medicaid Services;

(II) The managed care plan is accredited by the National Committee for Quality Assurance (NCQA), or successor organization, at a level of "accredited" or better, and such accreditation is in effect at the time the access plan is filed;

(III) The managed care plan's network is accredited by the Joint Commission on the Accreditation of Healthcare Organizations (JCAHO), or successor organization, at a level of "accredited" or better, and such accreditation is in effect at the time the access plan is filed. The presence of any Type I recommendations for standards related to access to care shall prevent JCAHO accreditation from fulfilling the requirements of this part. The department shall annually review current JCAHO requirements and identify the specific JCAHO standards that address access to care. The department will annually notify all HMOs of those JCAHO standards that address access to care;

(IV) The managed care plan is accredited by the utilization review accreditation commission (URAC), or successor organization, at a level of full URAC Health Plan accreditation, and such accreditation is in effect at the time the access plan is filed; or

(V) The managed care plan or its network is accredited by any other nationally recognized managed care accrediting organization, similar to those above, that is approved by the department prior to the filing of the access plan, and such accreditation is in effect at the time the access plan is filed. Requests for approval of another nationally recognized managed care accrediting organization must be submitted to the department no later than October 15 of the year prior to the year the access plan is filed;

C. If the managed care plan's service area has expanded beyond that which was in effect at the time the current accreditation was awarded, then the department may request additional data on that service area expansion pursuant to the provisions of (2)(A)1.A., above.

2. Pursuant to section 354.603.2(2) through (8), RSMo, a written description with any relevant supporting documentation addressing each of the requirements set forth in that statute.

3. Pursuant to section 354.603.2(9), RSMo, the following information:

A. For all managed care plans, information demonstrating that:

(I) Emergency medical services—A written triage, treatment and transfer protocol for all ambulance services and hospitals is in place. The protocol shall address post-emergency situations when members have received emergency care from a nonparticipating provider;

(II) Home health providers—Home health providers are contracted to serve enrollees in each county where enrollment is reported. A home health provider need not be physically located or headquartered in each county. However, there must be at least one (1) home health provider under contract to serve enrollees in each county if the need *[arose]* arises; and

(III) Administrative measures are in place which ensure enrollees timely access to appointments with the medical providers listed in Exhibit A, based on the following guidelines:

(a) Routine care, without symptoms—within thirty (30) days from the time the enrollee contacts the provider;

(b) Routine care, with symptoms—within *[one (1) week or/ five (5) business days]* from the time the enrollee contacts the provider;

(c) Urgent care for illnesses/injuries which require care immediately, but which do not constitute emergencies as defined by section 354.600, RSMo—within twenty-four (24) hours from the time the enrollee contacts the provider;

(d) Emergency care—a provider or emergency care facility shall be available twenty-four (24) hours per day, seven (7) days per week for enrollees who require emergency care as defined by section 354.600, RSMo;

(e) Obstetrical care—within one (1) week for enrollees in the first or second trimester of pregnancy; within three (3) days for enrollees in the third trimester. Emergency obstetrical care is subject to the same standards as emergency care, except that an obstetrician must be available twenty-four (24) hours per day, seven (7) days per week for enrollees who require emergency obstetrical care; and

(f) Mental health care—Telephone access to a licensed therapist shall be available twenty-four (24) hours per day, seven (7) days per week.

B. For all managed care plans, a section demonstrating that the entire network is available to all enrollees of a managed care plan, including reference to contracts or evidences of coverage that clearly state the entire network is available and describing any network management practices that affect enrollees' access to all participating providers;

C. For employer specific networks, a section demonstrating that the group contract holder agreed in writing to the different or reduced network. An employer specific network is subject to the standards in this rule;

D. For all managed care plans, a listing of the product names used to market those plans;

E. For all managed care plans, written policies and procedures to assure that, with regard to providers not addressed in Exhibit A of this regulation, access to providers is reasonable. For otherwise covered services, the policies and procedures must show that the HMO will provide out-of-network access at no greater cost to the enrollee than for access to in-network providers if access to in-network providers cannot be assured without unreasonable delay; and

F. Any other information the department may require.

(5) Enforcement Process for Disapproved Access Plans.

[(A)] If a managed care plan's access plan has been disapproved pursuant to **section (4)/(A)3.**, above, it is subject to the following:

[1.](A) The managed care plan may be placed on probationary status by the department for a period not to exceed ninety (90) days *[to allow the HMO time to bring the managed care plan's distance standard rate across the entire network up to ninety percent (90%) and/or submit satisfactory information pursuant to (2)(A)2. and 3., above]*. If information sufficient to allow the department to "approve" or "conditionally approve" the managed care plan's access plan is submitted prior to the expiration of the probationary period, the managed care plan will be removed from probationary status;

[2.](B) If the HMO fails to submit information sufficient to allow the department to "approve" or "conditionally approve" the managed care plan's access plan by the end of the probationary period, the department may, after notice and hearing pursuant to sections 354.470 and 354.490, RSMo, order the HMO to refrain from offering that managed care plan in part or all of the HMO's service area until such time as the HMO can demonstrate to the department's satisfaction that the managed care plan fully meets the requirements of this rule.

[(B)] If the managed care plan's access plan has been disapproved pursuant to (4)(B)2., above, it is subject to the following:

1. The managed care plan may be placed on probationary status for a period not to exceed ninety (90) days to allow the HMO time to remedy any problems with the affidavit submitted pursuant to (2)(A)1.B., above, and/or submit satisfactory information pursuant to (2)(A)2. and 3., above. If information sufficient to allow the department to "approve" or "conditionally approve" the managed care plan's access plan is submitted prior to the expiration of the probationary period, the managed care plan will be removed from probationary status;

2. If the HMO fails to submit information sufficient to allow the department to "approve" or "conditionally approve" the managed care plan's access plan by the end of the probationary period, the department may, after notice and hearing pursuant to sections 354.470 and 354.490, RSMo, order the HMO to refrain from offering that managed care plan in part or all of the HMO's service area until such time as the HMO can demonstrate to the department's satisfaction that the managed care plan fully meets the requirements of this rule.]

Exhibit A

Provider/Service Type	Distance Standards		
	Urban County	Basic County	Rural County
Physicians			
PCPs	10	20	30
Obstetrics/Gynecology	15	30	60
Neurology	25	50	100
Dermatology	25	50	100
Physical Medicine/Rehab	25	50	100
Podiatry	25	50	100
Vision Care/Primary Eye Care	15	30	60
Allergy	25	50	100
Cardiology	25	50	100
Endocrinology	25	50	100
Gastroenterology	25	50	100
Hematology/Oncology	25	50	100
Infectious Disease	25	50	100
Nephrology	25	50	100
Ophthalmology	25	50	100
Orthopedics	25	50	100
Otolaryngology	25	50	100
Pediatric	25	50	100
Pulmonary Disease	25	50	100
Rheumatology	25	50	100
Urology	25	50	100
General surgery	15	30	60
Psychiatrist-Adult/General	15	[30] 40	[60] 80
Psychiatrist-Child/Adolescent	[15] 22	[30] 45	[60] 90
Psychologists/Other Therapists	10	20	40
Chiropractor	15	30	60
Hospitals			
Basic Hospital	30	30	30
Secondary Hospital	50	50	50
Tertiary Services			
Level I or Level II trauma unit	100	100	100
Neonatal intensive care unit	100	100	100
Perinatology services	100	100	100
Comprehensive cancer services	100	100	100
Cardiac catheterization	100	100	100
Cardiac surgery	100	100	100
Pediatric subspecialty care	100	100	100
Mental Health Facilities			
[Outpatient-Adult	15	30	60
Outpatient-Child/Adolescent	15	30	60
Outpatient-Geriatric	15	30	60
Inpatient/Intensive Treatment-Adult	25	50	100
Inpatient/Intensive Treatment-Child/Adolescent	25	50	100
Inpatient/Intensive Treatment-Geriatric	38	75	100
Inpatient/Intensive Treatment-Alcohol/Chemical Dependency	38	75	100]
Inpatient mental health treatment facility	25	40	75
Ambulatory mental health treatment providers	15	25	45
Residential mental health treatment providers	20	30	50
Ancillary Services			
Physical Therapy	30	30	30
Occupational Therapy	30	30	30
Speech Therapy	50	50	50
Audiology	50	50	50
Pharmacy			
Pharmacy	10	20	30

AUTHORITY: sections 354.615 and 374.045, RSMo 2000, and 354.405 and 354.603, RSMo [Supp. 2003] **Supp. 2004**. Original rule filed Nov. 3, 1997, effective May 30, 1998. Rescinded and readopted: Filed Oct. 1, 2002, effective April 30, 2003. Amended: Filed May 11, 2004, effective Dec. 30, 2004. Amended: Filed July 29, 2005.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities forty-two thousand dollars (\$42,000) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this proposed amendment at 10 a.m. on October 5, 2005. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to the proposed amendment, until 5:00 p.m. on October 5, 2005. Written statements shall be sent to Kevin Hall, Department of Insurance, PO Box 690, Jefferson City, MO 65102.

SPECIAL NEEDS: If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.

**FISCAL NOTE
PRIVATE COST**

I. RULE NUMBER

Rule Number and Name:	20 CSR 400-7.095 HMO Access Plans
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
20	Licensed HMOs in Missouri, excluding one company providing services exclusively to Medicare beneficiaries	\$42,000

III. WORKSHEET

20 HMOs x \$2,100 of reprogramming and administrative costs

IV. ASSUMPTIONS

MDI contacted 3 different HMOs in an effort to get current cost data related to the proposal. 3 HMOs responded with estimates. MDI averaged the responses and arrived at \$2,100 per HMO as an estimated cost. Costs stem entirely from the changes to mental health facility definitions and standards. MDI assumes there is no cost associated with other proposed changes.

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

Title 2—DEPARTMENT OF AGRICULTURE
Division 30—Animal Health
Chapter 2—Health Requirements for Movement of
Livestock, Poultry and Exotic Animals

ORDER OF RULEMAKING

By the authority vested in the director of agriculture under section 267.645, RSMo 2000, the director amends a rule as follows:

2 CSR 30-2.040 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2005 (30 MoReg 685-687). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Agriculture received one (1) written comment addressing the proposed amendment.

COMMENT: Dr. John Bare, Veterinary Medical Officer for USDA, APHIS—Veterinary Services expressed concern to the proposed subsection (8)(B) Exhibition Requirements for Rattles in Missouri. Dr. Bare's stated that the original intent of the amendment was to allow entry of captive whitetail deer into Missouri for a period of one (1) year, not indefinitely and that after the one (1)-year period, the entry requirements were to return to the three (3)-year requirement level. The purpose of the brief one (1) year lowering of the entry requirement was to allow breeding stock and trophy animals entry into the state as most whitetail herds nationwide had only been monitored two

(2) years. Since the one (1) year has passed those same herds will now have had three (3) years of monitoring and will be eligible to enter even if the entry requirements return to three (3) years of monitoring. By continuing to allow entry of two (2)-year we will be accepting animals that have either lost status or were reluctant to enroll in monitoring programs. These two (2)-year monitored herds could represent an increased risk of introducing chronic wasting disease (CWD) and/or lowering the monitoring status of Missouri captive herds relative to the three (3)-year monitored status of herds both nationally and in Missouri.

RESPONSE AND EXPLANATION OF CHANGE: Dr. Bare's comment was taken into consideration and changes made to address this issue.

COMMENT AND EXPLANATION OF CHANGE: Further administrative review of the proposed amendment resulted in changes to be consistent with entry requirements. Due to the increased interest and concern of our captive cervid industry, cervids were removed from section (9) Miscellaneous and Exotic Animals and have been placed in section (10).

2 CSR 30-2.040 Animal Health Requirements for Exhibition

(2) Exhibition Requirements for Cattle and Bison.

(A) Intrastate (cattle in Missouri moving for exhibition only in Missouri).

1. No Certificate of Veterinary Inspection is required.
2. Brucellosis—no test is required.
3. Tuberculosis—no test is required.

(B) Interstate (cattle from another state moving into Missouri for the purpose of exhibition only).

1. A Certificate of Veterinary Inspection is required.
2. Brucellosis.

A. Cattle from brucellosis-free states.

(I) All cattle may enter without a brucellosis test.

(II) Steers. No test required but the steer(s) must be listed and identified on a Certificate of Veterinary Inspection.

B. Sexually intact test-eligible animals must be tested and negative within sixty (60) days prior to entry except—

(I) Cattle from a certified brucellosis-free herd. The certified herd number and the date of the last herd test must be shown on the Certificate of Veterinary Inspection; and

(II) Steers. No tests required but the steer(s) must be listed and identified on a Certificate of Veterinary Inspection.

C. Rodeo bulls must have a negative brucellosis test within twelve (12) months if from a Class A state.

3. Tuberculosis.

A. Dairy—all sexually intact dairy cattle six (6) months of age and over entering and moving in Missouri for exhibition must be negative to an official tuberculosis test within sixty (60) days prior to exhibition, except dairy cattle that move from an accredited tuberculosis-free herd.

B. Beef—all beef breeding cattle eight (8) months of age and over entering and moving in Missouri for exhibition must meet one (1) of the following requirements:

(I) Originate from a tuberculosis-free state;

(II) Originate from a tuberculosis-accredited free herd. The herd number and current herd test date must be shown on the Certificate of Veterinary Inspection;

(III) Test negative within sixty (60) days prior to exhibition;

(IV) Scabies (mange). Cattle originating in scabies-quarantined areas or herds are not eligible to exhibit.

(4) Exhibition Requirements for Sheep.

(A) Intrastate (sheep in Missouri being exhibited only in Missouri).

1. Sheep that are to be exhibited must be free of clinical signs of an infectious or contagious disease. Sheep must be officially individually identified and listed on a Certificate of Veterinary Inspection.

2. No tests are required.

3. Scabies.

A. Sheep from a scabies-quarantined area must be dipped or treated by an officially approved method within ten (10) days prior to exhibition.

B. A prior permit number must be obtained and recorded on a Certificate of Veterinary Inspection if the sheep are from a scabies-quarantined area.

(5) Exhibition Requirements for Goats in Missouri.

(A) Intrastate (goats in Missouri being exhibited only in Missouri).

1. Goats that are to be exhibited must be free of clinical signs of an infectious or contagious disease. Goats must be officially individually identified and listed on a Certificate of Veterinary Inspection.

2. No tests are required.

(8) Exhibition Requirements for Ratites in Missouri.

(B) Interstate (ratites from other states moving into Missouri for exhibition only). Ratites must be identified by a means approved by the Missouri state veterinarian and individually identified and listed on a Certificate of Veterinary Inspection.

(9) Miscellaneous and Exotic Animals. All exotic animals must be accompanied by an official Certificate of Veterinary Inspection showing an individual listing of the common name(s) of the animal(s) and appropriate descriptions of animal(s) such as sex, age, weight, coloration and the permanent tag number, brand or tattoo identification.

(A) Exotic bovids eight (8) months of age and over must have a negative brucellosis test within ninety (90) days prior to exhibition and a negative tuberculosis test within ninety (90) days prior to exhibition. Exotic bovids include *Bos gaurus* (Indian bison, Gaur), *Bos javanicus* (Banteng), *Bos sauveli* (Kouprey), *Bos grunniens* (domesticated yak), *Bubalus bubalis* (water buffalo), *Bubalus mindorensis* (Tamarau), *Bubalus quarlesi* (Mountain Anoa), *Bubalus depressicornis* (Lowland Anoa) and *Snycerus caffer* (buffalo group).

(B) Camels, llamas, alpaca and others of that group must be officially identified by tattoo, microchip, eartag or other approved device and be individually listed on a Certificate of Veterinary Inspection.

(C) Exotic goats, sheep and antelope. No tests are required on these animals.

(D) Exotic equine, donkeys, asses, burros and zebras must meet domestic equine requirements.

(E) Feral swine, javalena, and peccaries must be in compliance with domestic swine requirements.

(F) Elephants (Asiatic, African) must be tested negative for tuberculosis within one (1) year prior to exhibition.

(G) Importation of skunks and raccoons in Missouri is prohibited by the *Missouri Wildlife Code* (3 CSR 10-9).

(H) Animals moving between publicly-owned American Zoological and Aquariums (AZA)-accredited zoos are exempt from section (9) except cervids moving between publicly-owned American Zoological and Aquariums (AZA)-accredited zoos must meet the chronic wasting disease monitoring requirements as outlined in subsection (10)(E).

(10) Exhibition Requirements for Captive Cervids.

(A) Captive cervids entering and moving in Missouri for exhibition must have an entry permit issued by the state veterinarian's office and a Certificate of Veterinary Inspection.

(B) Captive cervids entering and moving in Missouri for exhibition must be in compliance with the guidelines as incorporated by

reference to the *Bovine Tuberculosis Eradication Uniform Methods and Rules, Effective January 22, 1999* and *Brucellosis in Cervidae: Uniform Methods and Rules, Effective September 30, 1998* published by USDA, Veterinary Services, Animal Health Program, 4700 River Road, Unit 36, Riverdale, MD 20737-1231; telephone 301-734-6954; e-mail www.aphis.usda.gov/vs. This rule does not incorporate any subsequent amendments or additions.

(C) Brucellosis.

1. All sexually intact animals six (6) months of age and older, not under quarantine and not affected with brucellosis, must test negative for brucellosis within thirty (30) days prior to exhibition, except:

A. Brucellosis-free herd—captive cervids originating from certified brucellosis-free herds may exhibit on herd status without additional testing provided the certified herd number and current test date is shown on the Certificate of Veterinary Inspection.

B. Brucellosis-monitored herd—all sexually intact animals six (6) months of age or older must test negative for brucellosis within ninety (90) days prior to exhibition.

(D) Tuberculosis.

1. Captive cervids not known to be affected with or exposed to tuberculosis and not in a status herd, as defined in the *Bovine Tuberculosis Eradication Uniform Methods and Rules, Effective January 22, 1999*, must have two (2) negative tuberculosis tests, not less than ninety (90) days apart, using the single cervical method prior to exhibition. The second test must be within ninety (90) days prior to exhibition. Both negative test dates must be listed on the Certificate of Veterinary Inspection. Animals must have been isolated from other captive cervids during the test period.

2. Movement from status herds.

A. Accredited-herd—captive cervids originating from accredited tuberculosis-free cervid herds as defined by the *Bovine Tuberculosis Eradication Uniform Methods and Rules, Effective January 22, 1999*, may exhibit on herd status without additional testing provided the accredited herd number and current test date is shown on the Certificate of Veterinary Inspection.

B. Qualified herd—captive cervids originating from a qualified herd as defined by the *Bovine Tuberculosis Eradication Uniform Methods and Rules, Effective January 22, 1999*, must have one (1) negative tuberculosis test, using the single cervical method, within ninety (90) days prior to the date of exhibition.

C. Monitored herd—captive cervids originating from a monitored herd as defined by the *Bovine Tuberculosis Eradication Uniform Methods and Rules, Effective January 22, 1999*, must have one (1) negative tuberculosis test, using the single cervical method, within ninety (90) days prior to the date of exhibition.

D. Captive cervids less than twelve (12) months of age that originate from and were born in qualified or monitored herds may enter Missouri for exhibition without further tuberculosis testing, provided that they are accompanied by a Certificate of Veterinary Inspection stating that such captive cervids originated from such herds and have not been exposed to captive cervids from a lower status herd.

(E) Chronic Wasting Disease (CWD).

1. Captive cervids will not be allowed to enter Missouri for exhibition if within the last five (5) years the animal is:

A. From an area that has been reported as a CWD endemic area;

B. Been in a CWD endemic area; or

C. Originate from a CWD positive captive herd.

2. Elk, elk-hybrids, red deer, sika deer, white-tailed deer, and mule deer from all states must have participated in a surveillance program since 2002 prior to entering Missouri. An additional year of surveillance will be required each year until five (5) years of surveillance is reached.

3. Other captive cervids other than elk, elk-hybrids, red deer, sika deer, white-tailed deer and mule deer must have participated in

a surveillance program recognized by the state of origin prior to entering Missouri for exhibition.

4. All captive white-tailed deer that entered Missouri with two (2) years of CWD monitoring in an approved surveillance program and remained in Missouri at the time of death, must be tested for CWD.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 80—State Milk Board
Chapter 5—Inspections**

ORDER OF RULEMAKING

By the authority vested in the State Milk Board under section 196.939, RSMo 2000, the board hereby amends a rule as follows:

2 CSR 80-5.010 Inspection Fees is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 16, 2005 (30 MoReg 1044–1047). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No public hearing was held. No written comments were received during the comment period.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 70—State Board of Chiropractic Examiners
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Board of Chiropractic Examiners under section 331.030.9, RSMo Supp. 2004, the board adopts a rule as follows:

4 CSR 70-2.032 Specialty Certification is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 2, 2005 (30 MoReg 769–771). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Two (2) comments were received.

COMMENT: Thomas Holloway, Director of Government Relations on behalf of the Missouri State Medical Association commented as follows, “We are aware that section 331.030 RSMo gives the Board of Chiropractor Examiners the authority to establish certification for chiropractic specialties as deemed appropriate. . . . It would seem more prudent for the board to determine in advance which, if any, specialties are worthy of special certification, to promulgate rules establishing reasonable and generally accepted standards for that certification, then invite licensees to meet those standards.”

RESPONSE: Shortly after the effective law date codifying specialty certification, the board consulted with both Cleveland Chiropractic College in Kansas City and Logan College of Chiropractic in St. Louis in Missouri in order to discuss what specialty areas the colleges had encountered. The results of research by the chiropractic colleges and board yielded at least twenty-eight (28) different types of certification available through certifying entities with many

numerous and varied initial and continuing education requirements. Additionally, member states of the Federation of Chiropractic Licensure Boards were contacted to determine if any other states had promulgated statutory or regulatory language addressing specialty certification. The result of these inquiries indicated that states regulate specialties such as acupuncture and insurance consulting. Finally, the board contacted the Council on Chiropractic Education (CCE), the accrediting body for chiropractic colleges in the United States. CCE advised the board that the organization’s scope of authority did not include the accreditation of specialty areas.

The lack or very limited number of nationally recognized certifying entities, coupled with a large number of specialty credentials available to licensees, prompted the board to promulgate the regulation that requires the certifying entities to clearly identify the specialty area and justify the need for the certification to be recognized by the board. Furthermore, 4 CSR 70-2.032(2)(C) outlines the information required by the board to consider a specialty for recognition by the state and 4 CSR 70-2.032(3) specifies the process for board review. Therefore, the board made no change to the text of the rule.

COMMENT: Bonnie M. Bowles, executive director for the Missouri Association for Osteopathic Physicians and Surgeons (MAOPS) submitted a comment on behalf of the association. MAOPS expressed confusion regarding section 331.030.8, RSMo that codifies certification of Meridian Therapy/acupuncture/acupressure (commonly referred to as MTAA) and section 331.030.9, RSMo regarding certification of other specialties. The comment expressed concern that the board had exceeded its scope of rulemaking authority by promulgating a regulation that addresses specialty certification in areas other than MTAA and thereby exceeded the intention of the legislation.

RESPONSE: During the hearings conducted in 2004 before the Missouri House and Senate, committee testimony outlined that MTAA was being addressed in the proposed legislation, as well as other specialties. A meeting was convened February 24, 2004 by the Chairman of the House Professional Registration Committee on Professional Registration which was attended by the sponsor of HB 1246 along with division and board counsel and staff, and a representative of MAOPS. The meeting attendees discussed, in great detail, the need to associate any specialty certification with the scope of practice. Further discussion among these parties made clear that HB 1246 would allow the board to certify other areas of chiropractic specialties in addition to MTAA. Finally, the language clearly allows the board the authority to promulgate regulations concerning specialties other than MTAA. Therefore, the board made no change to the text of the rule.

COMMENT: The MAOPS comment expressed four (4) major areas concerning 4 CSR 70-2.020:

- 1) Improper delegation of authority to a certifying body;
- 2) A specialty area dictating to the board that it must be recognized;
- 3) No initial or continuing education requirements;
- 4) Failure to determine if the specialty area falls within the scope of practice for chiropractic.

RESPONSE: For ease of reference and clarity a response to each concern is listed below.

1) Improper delegation of authority to a certifying body. 4 CSR 70-2.032(1) requires an application to be made to the state board in order for a specialty area to be considered for recognition by the state board. Secondly, section (2) of the regulation outlines the methodology that certifying entities must follow in submitting documentation to justify consideration of the specialty by the state board. The board does not concur with the assertion that authority to determine eligibility for recognition is delegated to any other entity. Therefore, the board made no change to the text of the rule.

2) A specialty may dictate to the board that it must be recognized. The state board is uncertain how submitting an application

and documenting the safety and efficacy of a specialty could be interpreted as a specialty dictating that it must be recognized by the state board. The requirement of an application and documentation is a starting point for the review process and not a mandate that the board recognize the specialty. Therefore, the board made no change to the text of the rule.

3) No initial or continuing education requirements. It would be premature for the state board to promulgate a regulation that would mandate specific initial and continuing education requirements when it is uncertain what specialties are available to chiropractors for recognition and certification and which fall within the scope of practice of chiropractic. Therefore, the board made no change to the text of the rule.

4) Failure to determine if the specialty area falls within the scope of practice for chiropractic. The purpose of the application process is to conduct such a review. The information in support of a specialty's recognition is supplied by the proposing entity requesting recognition and shall be examined by the board and counsel to determine if the specialty area falls within the scope of practice for chiropractic. Again, it would be premature for the board to attempt to make a determination of what areas could qualify for certification since there are numerous potential chiropractic specialties. Therefore, the board made no change to the text of the rule.

COMMENT: MAOPS recommended the board conduct further fact gathering efforts to determine what specialty areas merit certification and promulgate regulations accordingly.

RESPONSE: 4 CSR 70-2.032(2) establishes a process for the orderly gathering of necessary facts to enable the board to make a determination whether a proposed specialty meets certain standards for certification by the board, among which is whether the specialty is within the scope of practice of chiropractic. The board noted that the application, documentation submitted in support of the proposed specialty area, and discussion by the board must be reviewed in an open meeting. Thus the public, practitioners, and the applicant can attend such meetings and observe both the documentation and the review process. Therefore, the board made no change to the text of the rule.

COMMENT: MAOPS expressed a concern that it is confusing and potentially misleading to a patient for a chiropractic physician to hold her/himself out as a specialist.

RESPONSE: The language of the regulation directly addresses this concern. When a licensee represents her/himself to a patient as specializing in, for example, radiology, the licensee cannot do so unless radiology is certified as a specialty by the board, and the licensee has met all requirements for obtaining that certification. The process required for certification of a specialty is an assurance to consumers that the specialty falls within the scope of practice for chiropractic physicians and that the licensee has met a set of standards approved by the board. Therefore, the board made no change to the text of the rule.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 70—State Board of Chiropractic Examiners
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Board of Chiropractic Examiners under sections 43.543 and 331.030, RSMo Supp. 2004 and 331.100.2, RSMo 2000, the board amends a rule as follows:

4 CSR 70-2.040 Application for Licensure is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 2, 2005

(30 MoReg 772–774). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 70—State Board of Chiropractic Examiners
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Board of Chiropractic Examiners under sections 331.060 and 331.100.2, RSMo 2000, the board amends a rule as follows:

4 CSR 70-2.060 Professional Conduct Rules is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 2, 2005 (30 MoReg 775). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 70—State Board of Chiropractic Examiners
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Board of Chiropractic Examiners under sections 331.030 and 331.100.2, RSMo 2000, the board amends a rule as follows:

4 CSR 70-2.070 Reciprocity is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 2, 2005 (30 MoReg 775). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 70—State Board of Chiropractic Examiners
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Board of Chiropractic Examiners under sections 331.050, RSMo Supp. 2004 and 331.100.2, RSMo 2000, the board amends a rule as follows:

4 CSR 70-2.080 Biennial License Renewal is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 2, 2005 (30 MoReg 775-781). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 70—State Board of Chiropractic Examiners
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Board of Chiropractic Examiners under sections 43.543, 331.070 and 331.100.2, RSMo 2000, the board amends a rule as follows:

4 CSR 70-2.090 Fees is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 2, 2005 (30 MoReg 782). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 70—State Board of Chiropractic Examiners
Chapter 3—Preceptorship**

ORDER OF RULEMAKING

By the authority vested in the State Board of Chiropractic Examiners under section 331.100.2, RSMo 2000, the board amends a rule as follows:

4 CSR 70-3.010 Preceptorship is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 2, 2005 (30 MoReg 782-783). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 110—Missouri Dental Board
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the Missouri Dental Board under section 332.031, RSMo 2000, the board rescinds a rule as follows:

4 CSR 110-2.230 Endodontic Materials is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 16, 2005 (30 MoReg 1048). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 110—Missouri Dental Board
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the Missouri Dental Board under sections 332.031, RSMo 2000 and 332.081 and 332.321, RSMo Supp. 2004, the board adopts a rule as follows:

**4 CSR 110-2.260 Certification Requirements—Licensees Employed
by or Contracting with Federally Qualified Health Centers
is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 16, 2005 (30 MoReg 1048-1050). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 10—Director, Department of Mental Health
Chapter 5—General Program Procedures**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Mental Health under sections 630.050 and 630.655, RSMo 2000, the director adopts a rule as follows:

9 CSR 10-5.206 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 1, 2005 (MoReg 629-635). Those sections with changes are reprinted here and form DMH-9719B has been replaced. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Mental Health (department) received twenty-two (22) comments on the proposed rule. Modifications were made to this rule and the attached forms have been replaced. Extensive comments were received and modifications made previously during the piloting of such report forms in the prior year and proposal of similar language under a different rule number, prior to publishing this rule proposal.

COMMENT: One person commented that since providers would be required to report every event reportable under the regulation, it would require speculation due to vagueness of the events listed and due to penalties, everything would be reported so the Private and Public Costs would exceed five hundred dollars (\$500) due to the volume of reports and the processing of such.

RESPONSE AND EXPLANATION OF CHANGE: The department has clarified and identified the terms on the reporting forms as described in following comments.

COMMENT: One person commenting on subsection (1)(F) felt that "Provider" appeared to cover any facility, including nursing homes licensed under Chapter 198, RSMo, accepting a mental health client and receiving funding from the department. This would create a different set of rules from those pertaining to them regarding the reporting currently done to the Department of Health and Senior Services. This would create additional considerable costs and duplication. It was suggested that facilities licensed under Chapter 198 be eliminated as subject to the rule since they are already subject to stringent reporting requirements to another department.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees that the rule covers those not intended to be subject to report. Therefore, the department revised the proposed rule to only include those facilities licensed under Chapter 198 and applies only to those individuals funded by the department's Comprehensive Psychiatric Services division. Only form DMH-9719A shall be used for such reporting. The department has oversight responsibilities for the vulnerable population it serves and must address same through this rule. The department disagrees that there is duplication, since the additional events required to be reported to the department are not reported to the Department of Health and Senior Services by such providers. The department disagrees there would be substantial costs, since the only additional requirement of such providers is the reporting of medication errors of moderate or serious consequence. All other events are already required of such providers in 9 CSR 10-5.200 for all abuse, neglect and misuse of funds-property, and in contract for elopements, deaths and medical emergencies (serious injuries).

COMMENT: One person voiced concern with the wording in subsection (1)(G), that it was confusing regarding the definition of reportable events.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and amended the wording to be more clear.

COMMENT: One person commenting on section (3) felt it was unreasonable to meet due to the vagueness of some of the events which are required to be reported, and such vagueness would result in the reporting of all events, thus costs would be great.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees that some of the events listed on the form DMH-9719B are too vague and has modified those categories by adding measurable terms which describe the events to be reported. The measurable terms appear on the new form DMH-9719B.

COMMENT: Two persons suggested that in section (5), it was unreasonable for the department to require maintaining records for review on individuals not funded by the department. One of these persons stated that this was a violation of federal law and regulation to release Quality Assurance information. One person felt the language was less clear than prior language they had seen.

RESPONSE AND EXPLANATION OF CHANGE: The department asserts that if the department is the primary organization that licenses or certifies a provider, then the department has authority to evaluate the services provided to all recipients, whether the department is paying for that specific person or not, to satisfy the licensing or certification requirements in law. The language in this rule section offers the option of either maintaining event reports for review, or to produce an analysis of such reports. Thus, if it is violation of law to produce such analysis, then the facility has the option to just produce event reports for review. The rule was modified to exclude those facilities in Chapter 198 RSMo being subject to this section, since such particular facilities licensed by the department are also licensed by the Department of Health and Senior Services, and the

Department of Health and Senior Services is the primary licensing body in these situations. The event reporting regarding non-department consumers in these cases is under the jurisdiction of the Department of Health and Senior Services' license.

COMMENT: One person questioned the reference to reporting of consumer deaths within thirty (30) days post-discharge on the reporting form on page 632. It was asserted that the facility may not know about what happened following discharge.

RESPONSE: The form specifies that only "known" deaths be reported. A reasonable person should interpret that this means that which is known by the facility/reporter. Therefore, the department has not revised the rule in response to this comment.

COMMENT: One person identified that there is no definition of verbal abuse on the form on page 632, and that the context in which the statements were made would affect reporting.

RESPONSE: The definition of verbal abuse, and other department abuse and neglect definitions are identified in 9 CSR 10-5.200, which addresses the reporting of abuse/neglect events. This form is also used to satisfy the reporting requirements for that specific CSR, so verbal abuse is not an event being added to this rule for reporting, since it is already required. Therefore, the department has not revised the rule in response to this comment.

COMMENT: One person felt that the "Medication not Available" in the Medication Error Category on the reporting form on page 634 was not clear whether not available anytime through the day, or just when supposed to be dispensed.

RESPONSE AND EXPLANATION OF CHANGE: The only form that this is referenced on is reporting form DMH-9719B which applies to the division of Mental Retardation/Developmental Disabilities (MRDD). Medication not Available is not a medication error, but a reason for the error type "Failure to Administer" and has been eliminated from the form. Form 9719B has been replaced by a new form having the same number and the new form contains a space for describing the reason for "Failure to Administer" that was added for clarification.

COMMENT: One person questioned if a medication supposed to be dispensed at a particular time that was dispensed within an hour of that time was a medication error or not.

RESPONSE: Based on the national standards, a medication can be administered as early as one hour before the ordered time or as late as one hour after the ordered time before it is considered an error. This is a common standard of care. The department has not revised the rule further.

COMMENT: One person was concerned with the interpretation of event/incident types of "choking, consumer rights, consumer struck object, elopement/unauthorized absence, inappropriate language by staff toward consumer, possession of weapon. . ." on the reporting form on page 634. The concern was that these terms were vague and did not have appropriate clarifications to accurately report.

RESPONSE: Form DMH-9719B is the only form that contains all these terms. The department has replaced form DMH-9719B and the new form more clearly indicates reportable events in measurable terms. "Possession of weapon" and "Fire" were not modified since the department believes weapon and fire are sufficiently clear. All fires are significant to the department due to the underlying causes of such. In addition, the department further clarified the terms "Fall," "Misuse of consumer funds/property" and "Inappropriate language by staff toward consumer" for clearer interpretation. The "Other" category is available for reporting of events not anticipated that a program may choose to voluntarily report, not any additional reporting expectation. Clarification was added in paragraph 1., subsection (B) of section (2).

COMMENT: One person was concerned with the use of the “Other” category in the Injury Description on page 634 of the reporting form as being too vague.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees that the category “Other” may be problematic and has removed the category as a reportable event or incident from forms DMH-9719A and DMH-9719B. The department has also removed reference to this category from paragraph 9 CSR 10-5.206(2)(A)1.

COMMENT: One person was concerned with the time frame of reporting required on the Reporting Form DMH-9719B, suggesting that there were conflicts and clarity issues with the differences. They questioned what “immediately” meant, and what “unless requested sooner by the regional center” meant.

RESPONSE AND EXPLANATION OF CHANGE: Form 9719-B has been replaced and the new form is more clear regarding the reporting time frame. The reporting timelines around injury severity were removed. Reporting of “No Treatment” and “Minor First Aid” injury severity requirements were removed. Immediate reporting is what a reasonable person would consider immediate—following any necessary medical care and urgent handling of the event. “Unless requested sooner” means exactly that, that instead of waiting (1) one or five (5) working days, the written report could be requested as soon as possible in certain critical situations. Reporting of minimal medication errors and the time frame for such has been clarified on the form.

COMMENT: One person pointed out that in section 18 of Report Form DMH-9719B, it was unclear which events the statement applied to and what the time frame for reporting was.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and the form was modified to specify that it applies only to the three (3) events following the statement. The form is already clear that unless otherwise specified, reporting is to be immediate, so no additional changes were made.

COMMENT: One person questioned what “Not Applicable” meant in Section 18 of Report Form DMH-9719B.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees this is unclear and has changed it to “None of the above” on the new form DMH-9719B.

COMMENT: One person questioned if each MRDD Regional Center would interpret and enforce this rule independently, or if directions would come out of central office.

RESPONSE: One of the purposes and benefits of one rule and reporting form for MRDD is to have consistency in event reporting so no regional differences in interpretation should exist.

COMMENT: One person inquired whether the rule would apply to DMH operated facilities.

RESPONSE AND EXPLANATION OF CHANGE: This rule does not apply to department operated facilities. It applies to those programs identified in the “Purpose,” definition of “Provider” and in section (2). The department has added clarifying language in section (2) to reflect such.

COMMENT: One person listed the definitions for affect and effect.

RESPONSE: The correct term is utilized in the rule. The department has not revised the rule in response to this comment.

COMMENT: One person opined that provider contracts should be revised to reflect this rule.

RESPONSE: This comment does not apply to the content of the rule. The department has not revised the rule in response to this comment.

COMMENT: One person stated they did not have a twenty-four (24) hour on-call system in the Eastern Region for Comprehensive Psychiatric Services (CPS).

RESPONSE: CPS administration reports they have a statewide on-call system. The department has not revised the rule in response to this comment.

COMMENT: Two (2) persons questioned whether there should be reference to the abuse and neglect statute 630.167, RSMo in the Purpose of the rule, since there were questions about who the event reports should be shared with.

RESPONSE AND EXPLANATION OF CHANGE: This rule does not address specifics around abuse/neglect reporting, but refers to 9 CSR 10-5.200, which is the rule referencing abuse and neglect. However, the department added the reference in the Purpose section of the rule and in the Authority section, since the attached forms are used to satisfy abuse and neglect reporting.

9 CSR 10-5.206 Report of Events

PURPOSE: This rule prescribes procedures for documenting, reporting, analyzing and addressing certain events that affect individuals in residential facilities, day programs or specialized services that are licensed, certified or funded by the Department of Mental Health as required by sections 630.005, 630.020, 630.165, 630.167 and 630.655, RSMo.

(1) The following words and terms, as used in this rule, mean:

(F) Provider—

1. A residential facility, day program or specialized service that is licensed, certified or funded by the Department of Mental Health;

2. Provider does not include facilities licensed by the Department of Health and Senior Services under Chapter 198, RSMo unless the facility is also licensed by the Department of Mental Health. In this case this rule applies only to consumers that have a primary diagnosis of mental illness and whose board and care are funded by the Department of Mental Health;

3. Duties of the provider under this rule are the responsibility of the chief administrative officer of the residential facility, day program or specialized service, or his/her designee; and

(G) Reportable events, those specific incidents and medication errors identified on the applicable department report form dependent on the division providing service to the consumer; and

(2) This section applies to event notification and reporting requirements for employees of providers, as defined under section 630.005, RSMo. Facilities, programs and services that are operated by the Department of Mental Health are regulated by the department’s operating regulations and are not included in this definition, because this rule does not apply to Department of Mental Health operated facilities.

(B) It is the responsibility of the provider to notify the department with a written or verbal report of all events reportable under this regulation involving consumers as identified on the report form. For those events requiring immediate notification, if a verbal report, it will be followed up in writing on the report form and faxed or otherwise transmitted to arrive within one (1) business day to the appropriate department office. All other events not requiring immediate notification shall be provided in writing on the report form in the time frame specified on the report form.

(5) Programs licensed or certified by the Department of Mental Health must maintain internal records of similar events or information for individuals who do not receive department funded or contracted services, for purposes of quality review to assure that problems are identified and resolved. Nonidentifying event records or nonidentifying analysis of these events must be available for review by the department as needed for monitoring or licensure/certification activities. This section does not apply to facilities licensed under Chapter 198, RSMo.



Department of Mental Health
Incident and Investigation Tracking System- Event Report Form
(Community Report Form —ADA/CPS)

DIVISION:		<input type="checkbox"/> Alcohol and Drug Abuse <input type="checkbox"/> Comprehensive Psychiatric Services		Program/Service type regarding consumer/Event (CPR, CSTAR, etc.)					
Consumer Name (Last)			(First)	(MI)	AGE	<input type="checkbox"/> Male <input type="checkbox"/> Female	<input type="checkbox"/> DMH ID# <i>(check one)</i>	<input type="checkbox"/> Medical Record # <input type="checkbox"/> SSN#	
Address/Home									
Person(s) who witnessed or have direct knowledge of the event: <i>(attach additional page if necessary)</i>									
Last Name		First Name		Relationship to Consumer					
Event Date and Time				Discovery Date and Time					
Month	Day	Year	Time ____ :	AM PM	Month	Day	Year	Time ____ : ____ AM PM	
Event location or where discovered (be specific)				Name of Provider Agency/Organization involved in event:					
				VENDOR NUMBER (REQUIRED):					
Reporter's Name (Last, First, MI)			Reporter's Phone Number		Reporter's Employer (Agency/Facility/Admin. Agent)				
Persons /Agencies Notified: <i>(Check all that apply)</i>									
	Name of Person Contacted					DATE	TIME	AM PM	
<input type="checkbox"/>	Family / Guardian								
<input type="checkbox"/>	Physician								
<input type="checkbox"/>	Law Enforcement								
<input type="checkbox"/>	DSS—Children's Division								
<input type="checkbox"/>	Division of Senior Services								
<input type="checkbox"/>	Dept. of Mental Health Notified								
<input type="checkbox"/>	911								
<input type="checkbox"/>	Other								
<input type="checkbox"/>	Other								
<input type="checkbox"/>	Other								
<input type="checkbox"/>	Other								

EVENT DESCRIPTION—(Describe what happened & attach additional page(s) if necessary)

Consumer Name _____

Event Date _____

REPORTABLE EVENTS

All events identified below shall be recorded on this form and faxed within one business day to the appropriate Division of Alcohol and Drug Abuse District Administrator or Division of Comprehensive Psychiatric Services Supported Community Living Office. Abuse and neglect requires an immediate verbal or written report according to 9 CSR 10-5.200.

☐ Consumer Death (Regardless of cause, including all known deaths of discharged consumers up to and including 30 days post-discharge from a residential program)

☐ Elopement/Unauthorized Absence (The timeframe for reporting shall be when this absence raises reasonable concern for the safety of the consumer or others, or concern that the consumer will not return. For the Division of Alcohol and Drug Abuse, this applies to adolescents and involuntary commitments only)

Alleged or Suspected Abuse/Neglect:

☐ Alleged or Suspected Verbal Abuse

☐ Alleged or Suspected Physical Abuse

☐ Alleged or Suspected Sexual Abuse

☐ Alleged or Suspected Neglect

☐ Alleged or Suspected Misuse of Consumer Funds/Property

Medication Error (Occurring in residential programs or programs in which medication is administered or self administration is observed by agency staff)

☐ Moderate Medication Error: Treatment and/or intervention is needed in addition to monitoring or observation

☐ Serious Medication Error: Life threatening and/or permanent adverse consequences

☐ Serious Injury (Injury to a consumer requiring medical inpatient hospitalization)

IF DEATH, SUSPECTED MANNER:

☐ Accident

☐ Homicide

☐ Natural

☐ Suicide

☐ Unknown

INJURY TYPE:

☐ Accident

☐ Consumer Inflicted

☐ Other Inflicted

☐ Self-Inflicted

☐ Staff Inflicted

☐ Unknown

Signature of Reporter _____

MM / DD / YR
REPORT DATE

AM PM
REPORT TIME

TO BE COMPLETED BY DEPARTMENT OF MENTAL HEALTH STAFF**Action Taken:**

☐ Inquiry

☐ Local Investigation

☐ Central Office Investigation

☐ No Investigation

Signature of ADA or CPS Staff: _____

Date: _____

INCIDENT TYPE (TO BE COMPLETED BY DMH STAFF)

☐ Consumer Rights

☐ Consumer Struck Object

☐ Consumer Self Harm

☐ Fall

☐ Fire

☐ Inappropriate language by staff toward consumer

☐ Medical Emergency

☐ Notification of death in the community

☐ Physical altercation-consumer & consumer

☐ Physical altercation-consumer & staff

☐ Property loss/destruction

☐ Possession of drugs not prescribed

☐ Possession of weapon

☐ Sexual conduct-consumer & staff

☐ Sexual conduct - consumer non-consensual

☐ Suicide Attempt

☐ Theft

☐ Vehicular accident

☐ Other _____

NOTES:

iITS #

DMH Use Only
9-14-05

Department of Mental Health
iITS- Community Event Report Form-MRDD

All events must be reported to the regional center immediately, unless otherwise specified on this form. The written event report form must be submitted the next working day, unless requested sooner by the regional center.

EVENT CATEGORY (CHECK ONE)		1. <input type="checkbox"/> INCIDENT		<input type="checkbox"/> MEDICATION ERROR		<input type="checkbox"/> DEATH	
PROGRAM CATEGORY (CHECK ONE)		2. <input type="checkbox"/> COMMUNITY PLACEMENT		<input type="checkbox"/> PURCHASE OF SERVICE (POS)		<input type="checkbox"/> CASE MANAGEMENT	
3. Event Date & Time ____/____/____ : ____AM ____PM Month Day Year				4. Discovery Date & Time ____/____/____ : ____AM ____PM (Complete this section only if different than event date/time)			
INVOLVED							
5. Consumer Name (Last) (First) (MI)			6. DOB ____/____/____		7. <input type="checkbox"/> Male <input type="checkbox"/> Female		8. Consumer ID
9. Address/Home Telephone Number ()			10. DMH/County Board Service Coordinator Name				
11. Event Location or where discovered (Name of agency or location)			12. Name of Provider Agency/Organization involved in event & VENDOR NUMBER				
13. Persons who witnessed or have direct knowledge of the event							
Last Name		First Name		Relationship (CHOOSE FROM LIST BELOW)		Telephone Number	
*Relationship to Consumer-consumer, parent/guardian, staff, visitor, volunteer, complainant, perpetrator, reporter, victim, witness, other -specify)							
14. NOTIFIED Persons /Agencies (CHECK ALL THAT APPLY)		Name of Person Contacted		DATE		TIME	
<input type="checkbox"/> DMH Regional Center						____:____AM ____PM	
<input type="checkbox"/> Family or Guardian						____:____AM ____PM	
<input type="checkbox"/> Physician						____:____AM ____PM	
<input type="checkbox"/> Law Enforcement						____:____AM ____PM	
<input type="checkbox"/> DSS Children's Division						____:____AM ____PM	
<input type="checkbox"/> Division of Senior Services						____:____AM ____PM	
<input type="checkbox"/> 911						____:____AM ____PM	
<input type="checkbox"/> Other						____:____AM ____PM	
15. EVENT DESCRIPTION: Describe what happened and interventions used by staff: - Refer to instruction sheet for items to be included in this section.							

Attach additional pages if necessary

DMH-9719B

Consumer Name _____		Event Date _____																																	
16. MEDICATION ERROR CATEGORY (SELECT ONE) <input type="checkbox"/> Failure to Administer Reason _____ <input type="checkbox"/> No Physician Order <input type="checkbox"/> Wrong Dose <input type="checkbox"/> Wrong Form <input type="checkbox"/> Wrong Medication <input type="checkbox"/> Wrong Person <input type="checkbox"/> Wrong Route <input type="checkbox"/> Wrong Time		17. MEDICATION ERROR SEVERITY RATING (SELECT ONE) <input type="checkbox"/> Minimal: No treatment or intervention other than monitoring or observation <u>Notification and written report to regional center within five (5) working days of discovery unless a suspicion or allegation of neglect</u> <input type="checkbox"/> Moderate: Treatment and/or interventions in addition to monitoring or observation <input type="checkbox"/> Serious: Life threatening and/or permanent adverse consequences																																	
18. EVENT/ INCIDENT TYPE (SELECT ONE) ** emergency medical intervention or hospitalization of consumer <input type="checkbox"/> Choking with ** <input type="checkbox"/> Violation of Client Rights in RSMo 630.110 & 630.115 <input type="checkbox"/> Consumer struck object resulting in injury <input type="checkbox"/> Elopement/Unauthorized absence when absence raises reasonable concern for the safety of consumer or others, or concern the consumer will not return <input type="checkbox"/> Fall with ** <input type="checkbox"/> Fire <input type="checkbox"/> Inappropriate language by staff toward consumer (Verbal Abuse-9 CSR 10-5.200) <input type="checkbox"/> Ingestion of non-food item <input type="checkbox"/> Medical emergency <input type="checkbox"/> Misuse of consumer funds/property-(9 CSR 10-5.200) <input type="checkbox"/> Physical altercation-consumer & consumer <input type="checkbox"/> Physical altercation-consumer & non-staff <input type="checkbox"/> Physical altercation-consumer & staff <input type="checkbox"/> Possession of weapon <input type="checkbox"/> Property loss/destruction <input type="checkbox"/> Sexual conduct-consumer/non-consensual <input type="checkbox"/> Sexual conduct-consumer & staff <input type="checkbox"/> Suicide attempt <input type="checkbox"/> Theft by consumer <input type="checkbox"/> Vehicular accident		19. DID THE EVENT RESULT IN Report any of the following three incidents only if • unusual and not being addressed in the personal plan; • there is an injury; or • there is an allegation/suspicion of neglect. <input type="checkbox"/> Injury to consumer <input type="checkbox"/> Use of physical restraint <input type="checkbox"/> Administration of PRN psychotropic medication <input type="checkbox"/> Hospitalization/non-injury <input type="checkbox"/> None of the above If injury complete 20, 21 22, 23																																	
20. INJURY TYPE (SELECT ONE) <input type="checkbox"/> Accident <input type="checkbox"/> Consumer Inflicted <input type="checkbox"/> Other Inflicted <input type="checkbox"/> Self Inflicted <input type="checkbox"/> Staff Inflicted <input type="checkbox"/> Unknown																																			
21. INJURY SEVERITY: (SELECT ONE) <input type="checkbox"/> Medical Intervention <input type="checkbox"/> Hospitalization <input type="checkbox"/> Death																																			
22. INJURY DESCRIPTION (CHECK ALL THAT APPLY) <input type="checkbox"/> Abrasion <input type="checkbox"/> Frostbite <input type="checkbox"/> Bite <input type="checkbox"/> Heat related illness <input type="checkbox"/> Bruise <input type="checkbox"/> Poisoning <input type="checkbox"/> Burn <input type="checkbox"/> Puncture <input type="checkbox"/> Complaint of Pain <input type="checkbox"/> Scratches <input type="checkbox"/> Cut <input type="checkbox"/> Strain/Sprain <input type="checkbox"/> Concussion <input type="checkbox"/> Swelling <input type="checkbox"/> Dislocation <input type="checkbox"/> Other (specify) _____ <input type="checkbox"/> Fracture/Break		23. INJURED BODY PARTS (CHECK ALL THAT APPLY) <table border="0" style="width: 100%;"> <tr> <td><input type="checkbox"/> Head</td> <td><input type="checkbox"/> Shoulder</td> <td><input type="checkbox"/> Upper Back</td> <td><input type="checkbox"/> Knee</td> </tr> <tr> <td><input type="checkbox"/> Face</td> <td><input type="checkbox"/> Upper Arm</td> <td><input type="checkbox"/> Lower Back</td> <td><input type="checkbox"/> Calf</td> </tr> <tr> <td><input type="checkbox"/> Eye</td> <td><input type="checkbox"/> Elbow</td> <td><input type="checkbox"/> Abdomen</td> <td><input type="checkbox"/> Shin</td> </tr> <tr> <td><input type="checkbox"/> Ear</td> <td><input type="checkbox"/> Forearm</td> <td><input type="checkbox"/> Waist</td> <td><input type="checkbox"/> Ankle</td> </tr> <tr> <td><input type="checkbox"/> Nose</td> <td><input type="checkbox"/> Wrist</td> <td><input type="checkbox"/> Hip</td> <td><input type="checkbox"/> Foot</td> </tr> <tr> <td><input type="checkbox"/> Mouth</td> <td><input type="checkbox"/> Hand</td> <td><input type="checkbox"/> Genitals</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Teeth</td> <td><input type="checkbox"/> Chest</td> <td><input type="checkbox"/> Buttock</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Neck</td> <td></td> <td><input type="checkbox"/> Thigh</td> <td></td> </tr> </table>		<input type="checkbox"/> Head	<input type="checkbox"/> Shoulder	<input type="checkbox"/> Upper Back	<input type="checkbox"/> Knee	<input type="checkbox"/> Face	<input type="checkbox"/> Upper Arm	<input type="checkbox"/> Lower Back	<input type="checkbox"/> Calf	<input type="checkbox"/> Eye	<input type="checkbox"/> Elbow	<input type="checkbox"/> Abdomen	<input type="checkbox"/> Shin	<input type="checkbox"/> Ear	<input type="checkbox"/> Forearm	<input type="checkbox"/> Waist	<input type="checkbox"/> Ankle	<input type="checkbox"/> Nose	<input type="checkbox"/> Wrist	<input type="checkbox"/> Hip	<input type="checkbox"/> Foot	<input type="checkbox"/> Mouth	<input type="checkbox"/> Hand	<input type="checkbox"/> Genitals		<input type="checkbox"/> Teeth	<input type="checkbox"/> Chest	<input type="checkbox"/> Buttock		<input type="checkbox"/> Neck		<input type="checkbox"/> Thigh	
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24. IMMEDIATE ACTION TAKEN BY AGENCY AND ACTION STEPS TO PREVENT REOCCURENCE (To be completed by agency management) <div style="height: 150px; border: 1px solid black;"></div>																																			
25. Signature-Reporter _____		Phone Number () _____																																	
26. Signature-Agency Management/Supervisor _____		Date ____/____/____ : ____ <input type="checkbox"/> AM <input type="checkbox"/> PM																																	
27. Signature-Service Coordinator _____		Date _____																																	
28. Signature-Other DMH Staff _____		Date _____																																	
29. ACTION/ COMMENTS (To be completed by DMH) <div style="height: 100px; border: 1px solid black;"></div>																																			
Suspicion or Allegation of Abuse, Neglect or Misuse of Consumer Funds/Property? <input type="checkbox"/> YES <input type="checkbox"/> NO If yes, must be entered into #TS within 24 hours Suspected Manner of Death <input type="checkbox"/> ACCIDENT <input type="checkbox"/> HOMICIDE <input type="checkbox"/> NATURAL <input type="checkbox"/> SUICIDE <input type="checkbox"/> UNDETERMINED																																			

AUTHORITY: section 630.005, 630.020 and 630.655, RSMo 2000 and 630.165 and 630.167, RSMo Supp. 2004. Original rule filed March 1, 2005.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling
and Reference Methods and Air Pollution Control
Regulations for the Entire State of Missouri

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission adopts a rule as follows:

10 CSR 10-6.360 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 15, 2005 (30 MoReg 522–548). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received comments on the proposed rule from the League of Women Voters of Missouri, the U.S. Environmental Protection Agency (EPA), Ameren, and Anheuser-Busch. The League of Women Voters of Missouri commented in favor of the energy efficiency and renewable fuels set-aside. EPA made several comments on rule wording and references as well as technical comments on the rule language. Ameren commented on several technical issues including early reductions credits. Anheuser-Busch Inc. commented on the allocations in the rule for their boiler and provided revised fiscal note information.

COMMENT: The League of Women Voters of Missouri commented that they supported the energy efficiency and renewable fuels set-aside included in the proposed rule. They stated that for many years the League of Women Voters has supported the adoption of policies that advance the use of energy efficiency and renewable energy technologies such as the set-aside. Also, the comment stated that the one percent (1%) set-aside will aid in funding energy efficiency and renewable energy projects in Missouri.

RESPONSE: The Air program agrees with this comment and appreciated the support from the League of Women Voters of Missouri. The Missouri Department of Natural Resources' Air Pollution Control Program has not amended the proposed rule in response to this comment.

COMMENT: EPA commented that in the banking provisions of paragraph (3)(F)6., the department proposes as part of an early reduction credit request to allow the NO_x account representative to request for credits in an amount equal to the unit's heat input for the specified control period multiplied by the difference between the emission rate of 0.25 lb/mmBtu and the unit's NO_x emissions rate rounded to the nearest ton. However, the limit from which early reductions are determined should be the lowest limit that applies to the source. This could be a permit limit, a state limit, or any other requirement under state or federal law. As stated in the NO_x SIP Call, the early reduction credit program is designed as an incentive to sources to make NO_x emissions reductions beyond what would otherwise not occur as required by the Clean Air Act. Therefore, the calculation of early reduction credits should be based from the limits set forth in the revised statewide NO_x rule 10 CSR 10-6.350 or a lower limit if one applies. We view the use of the proposed Early Reduction Credit methodology as an approvability issue.

Ameren commented that because of the stringency of the rule, it is important a compliance supplement pool of NO_x allowances is available to sources to allow time for installation of controls to reduce NO_x emissions. The proposed rule includes a mechanism for sources to earn compliance supplement pool allowances by reducing NO_x emissions in 2005 and 2006. Ameren had suggested a pro rata distribution of the compliance supplement pool so that all affected units would be eligible to receive allowances. The proposed early reduction credit scheme may be adequate as long as the required level of reduction is reasonable. Ameren supports the emission threshold of 0.25 lb/mmBtu proposed in the regulation. The purpose of the compliance supplement pool is to provide sources time to comply with the regulation in a cost-effective manner. Establishing a threshold value that is more stringent will only place additional burden on sources to comply with the rule and will render the compliance supplement pool useless.

Ameren suggests that the date by which the director determines the number of early reduction credits that a source receives be moved up from May 1, 2007. Sources will rely on the early reduction credits to comply with the regulations that will be effective May 1, 2007. Ameren suggests that the notification be moved to April 1. Earlier notification is necessary to allow sources to plan for compliance. Ameren also suggests that the program consider allocation of early reduction credits on an annual basis for each year that a source was eligible to receive early reduction credits. For example, the application for early reductions in 2005 must be submitted by October 31, 2005. The director could determine the number of early reduction credits that a source earned based on the application for the 2005 control season and notify the source by April 1, 2006 of the number of allocations. Earlier notification will allow sources more time to plan for compliance. Remaining early reduction credits would be available for allocation based on reductions made in the 2006 control season. Sources would be notified of the 2006 allocations by April 1, 2007.

RESPONSE AND EXPLANATION OF CHANGE: The department has amended the early reduction credit (ERC) and compliance supplement pool language to accomplish several objectives. First, the department has amended the emission rate as commented by EPA to reflect the limits in 10 CSR 10-6.350 starting in the ozone season of 2004 and any other applicable emission limits. In response to Ameren's comments on this issue, the department, realizing the importance of the ERCs, has amended the years in which credits can be achieved to 2002 through 2006. This adds three (3) ozone seasons to earn credits. In addition, the department has amended the distribution methods to be based on the years of the requests to allow for greater distribution of the ERCs and corresponding compliance supplement pool. The department relied on the NO_x trading rule from the state of Illinois for the concepts of this revision.

COMMENT: EPA commented that the standard requirements of subsection (3)(A) in the model rule, the subsection—Record Keeping and Reporting Requirements—has been moved from the Standard Requirements subsection (3)(A) to subsection (4)(H). The NO_x Budget Trading Program permitting requirements rely on the Standard Requirements section for the permit application. Revisions to the permitting section must be made if this section is not moved. We view the failure to make reference changes to the Record Keeping and Reporting Requirements to be an approvability issue.

RESPONSE AND EXPLANATION OF CHANGE: The department has amended the proposed rule to put subsection (4)(H) in paragraph (3)(A)5. to be consistent with EPA's model rule.

COMMENT: EPA commented that it may be more convenient to change the January 1, 2007 date, in parts (3)(C)2.B.(I) and (II), to an earlier date as it creates a very short time frame in the case of newly operating units. EPA suggests that a January 1, 2006 date be used in these sections.

RESPONSE AND EXPLANATION OF CHANGE: The department has amended parts (3)(C)2.B.(I) and (II) as suggested.

COMMENT: EPA commented the reference to the definitions of terms in subparagraph (3)(C)4.B. should be to section (2) of the rule, rather than subsection (1)(A). We view this current reference to be an approvability issue.

RESPONSE AND EXPLANATION OF CHANGE: The department has amended the language of subparagraph (3)(C)4.B. to include the proper reference to section (2) of the rule rather than subsection (1)(A).

COMMENT: EPA commented that paragraph (3)(E)3. applies to allowance allocations. However, Table II lists the Non-EGU Boilers and has a NO_x Limitation per Unit Tons per Ozone Season. It is unclear if these units are being given an allocation to be used in the cap and trade program with the EGUs. It is EPA's understanding that the state intends to allow these sources to trade. If so, language similar to the language in (3)(E)2. could be used. We view the current uncertainty related to the non-EGU trading portion of the budget to be an approvability issue.

RESPONSE AND EXPLANATION OF CHANGE: The department has amended the language of paragraph (3)(E)3. to clearly allocate allowances to non-EGU boilers in Table II of the proposed rule.

COMMENT: EPA commented that since Clean Air Interstate Rule (CAIR) is final, it is suggested that subparagraph (3)(F)4.A. read—The Administrator will record the NO_x allowances for 2007 and 2008 —instead of only listing year 2007, since the CAIR NO_x budget for the ozone season begins in 2009 and will replace the NO_x SIP Call trading program. The way the rule is written is acceptable; however, it may be easier for the state, EPA, and sources if the two (2) years of allocations are made at once.

RESPONSE AND EXPLANATION OF CHANGE: The department has amended subparagraph (3)(F)4.A. to include the year 2008 as suggested.

COMMENT: EPA commented that subparagraph (3)(A)3.A. Standard Requirements refers to subparagraph (3)(E)3.E., which does not exist in the state rule. The language in this provision refers to new source allocation methodology of which MDNR is not proposing to include. This correction needs to be made throughout the rule as it is referenced several more times. (E.g., see definition (2)(PP).) We view the current reference to subparagraph (3)(E)3.E. to be an approvability issue.

RESPONSE AND EXPLANATION OF CHANGE: The department has removed all references to subparagraph (3)(E)3.E. from the proposed rule as suggested.

COMMENT: EPA commented that the language—by the department—in subsection (2)(G) needs to be removed from this section and replaced by the phrase—under section (4) of this rule—and the following phrase added after pollutant concentration monitors: flow monitors, diluent gas monitors. All alternative monitoring must be approved through the petition process in part 75 and requires EPA approval. We view the current language in this section to be an approvability issue.

RESPONSE AND EXPLANATION OF CHANGE: The department has amended subsection (2)(G) of the proposed rule to include the suggested language and has removed the statement—by the department—from the subsection.

COMMENT: EPA commented that by adding the term “NO_x” to the definition of “Common stack” in subsection (2)(N) may confuse the meaning of the definition which is intended to apply when any two (2) units (affected or non-affected) share a stack. NO_x should be deleted in this case. We view this current definition of “Common stack” to be an approvability issue.

RESPONSE AND EXPLANATION OF CHANGE: The department has removed the term “NO_x” from subsection (2)(N) of the proposed rule as suggested.

COMMENT: EPA commented that the model rule defines the term—unit—and relies on it throughout the rule. This definition should be added as phrased in section 96.2 to section (2) of the proposed rule. We view the lack of the definition of unit as referenced above to be an approvability issue.

RESPONSE AND EXPLANATION OF CHANGE: The department has amended section (2) of the proposed rule to include the definition of “unit,” which meets the EPA's definition as opposed to the definition that is included in 10 CSR 10-6.020.

COMMENT: EPA commented that paragraph (3)(E)1. should include the entire trading program budget, including EGU and non-EGU portions. This seems to encompass only the non-EGU portion. EPA suggests changing the reference to—paragraph (3)(E)3.—to—paragraph (3)(E)2. and 3. We view this current reference to be an approvability issue.

RESPONSE AND EXPLANATION OF CHANGE: The department has amended paragraph (3)(E)1. to include the language suggested by EPA.

COMMENT: EPA commented that paragraph (3)(E)4. states that new units will not receive allowances. This means that new units will need to obtain allowances from other sources for compliance with this program. (Point of clarification only; this is an acceptable approach.)

RESPONSE: EPA's interpretation of the rule as proposed is correct. The department has not proposed to include a new unit set-aside allowance. This decision was made during the workgroup meetings held with affected industrial representatives. The department believes that the group reached a majority agreement on this issue. Therefore, no changes were made to the proposed rule text in response to this comment.

COMMENT: EPA commented that subpart (1)(E)1.A. should be changed to read—Any NO_x budget unit, other than a NO_x budget opt-in source, that is permanently retired shall be exempt from the NO_x budget trading program, except for the provision of subsections (1)(E), sections (1) and (2), subsections (2), (3)(E), (3)(F) and (3)(G) of this rule. The definitions should be referenced and there is no subsection (5)(A) in this rule. We view the current language in this section to be an approvability issue.

RESPONSE AND EXPLANATION OF CHANGE: The department has amended the subparagraph (1)(E)1.A. of the proposed rule to reflect the suggested language.

COMMENT: EPA commented that in paragraph (3)(E)5. and subparagraph (3)(H)9.B., opt-in allocations may not be based on projected 2007 heat input values from a SIP. If opt-in provisions are included, the allocations must follow the formula laid out in the model rule section 96.88(b) to ensure that baselines for opt-ins are established in a consistent way across all states in the trading program. We view the current opt-in allocation method to be an approvability issue.

RESPONSE AND EXPLANATION OF CHANGE: The department has removed the opt-in provisions from the proposed rule. The department did not foresee that these provisions would be used extensively and believes that there will be changes to the proposed rule-making by 2009 in response to EPA's Clean Air Interstate Rule that will allow the reinstatement of these provisions if requested. The department has authority to remove these provisions based on 40 CFR 51.121.

COMMENT: EPA commented that in paragraph (3)(H)1., opt-in units must be located in the portion of the state in which this rule

applies. Currently, the rule states that it can be anywhere in the state. This section should reference the counties and areas listed in (1)(A). We view the current reference that allows opt-in units throughout the state to be an approvability issue.

RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, the department has removed the requirements of subsection (3)(H).

COMMENT: EPA commented that in paragraph (3)(H)2., sections (1) and (2) should be added to the list of referenced sections of the rule. We view the lack of cited sections to be an approvability issue.

RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, the department has removed the requirements of subsection (3)(H).

COMMENT: EPA commented that in subparagraph (3)(H)5.B., the reference to (3)(H)A. should read (3)(H)5.A. We view the current reference to be an approvability issue.

RESPONSE: The department is unsure of the reference that EPA is referring to. In the proposed rule subparagraph (3)(H)5.B. contains a reference to (3)(H)4.A., which establishes the criteria for a NO_x budget opt-in permit. Subparagraph (3)(H)5.B. is establishing further criteria for monitoring provisions within the opt-in permit after approval. The department does not find any reference to (3)(H)A. in the proposed rule as published in the *Missouri Register*. It is possible that EPA is looking at an earlier version of the rule. Therefore, the language as proposed is correct and no amendments to the proposed rule have been made in response to this comment.

COMMENT: EPA commented that paragraph (3)(H)5., leaves out the paragraphs, found in the model rule 96.84(c) and (d), concerning the establishment of a baseline using CEMS for allocation and permitting purposes. For the reasons listed above and because the subsequent provisions rely on the issuance of the draft NO_x budget opt-in permit, these paragraphs need to be included. Because these sections were omitted, many of the references in remaining sections of H.5. are not correct. EPA would be glad to work with the state to correct the provisions in this section. We view the current reference without the model rule language to be an approvability issue.

RESPONSE AND EXPLANATION OF CHANGE: The department has removed the opt-in provisions from the proposed rule. The department did not foresee that these provisions would be used extensively and believes that there will be changes to the proposed rule-making by 2009 in response to EPA's Clean Air Interstate Rule that will allow the reinstatement of these provisions if requested. The department has authority to remove these provisions based on 40 CFR 51.121.

COMMENT: EPA commented that subpart (3)(H)8.B.(I)(c) is unnecessary since new units do not receive an allocation under (3)(E)3. of the rule. (In this particular case, the unit would be considered new. This section in the model rule addresses allowance allocations from new source set-asides and does not apply here.) We view the inclusion of this unnecessary section to be an approvability issue.

RESPONSE AND EXPLANATION OF CHANGE: The department has removed subpart (3)(H)8.B.(I)(c) from the proposed rule in response to this comment.

COMMENT: EPA commented that part (3)(F)6.C.(VIII) states the allowances allocated under the early reduction credit provisions are "not" treated as banked allowances in 2008. These allowances must be treated as banked allowances to be consistent with the compliance and banking provisions of all the other state rules in the NO_x SIP Call regional trading program. We view the current language that does not treat early reduction credits as banked allowances in 2008 to be an approvability issue.

RESPONSE AND EXPLANATION OF CHANGE: The depart-

ment has amended part (3)(F)6.C.(VIII) as suggested. While reviewing these requirements, the EPA and the department found it necessary to amend (3)(F)6.A.(II) to ensure the approvability of the proposed rule.

COMMENT: EPA commented that in subparagraph (4)(A)2.A. the reference (3)(F)6.D. should be to subparagraph (3)(F)6.C. The referenced provision (3)(F)6.D. does not exist. We view the above reference to be an approvability issue.

RESPONSE AND EXPLANATION OF CHANGE: Since subparagraph (3)(F)6.D. does not exist, the department has amended subparagraph (4)(A)2.A. to include a reference to (3)(F)6.C. instead of (3)(F)6.D. as suggested.

COMMENT: EPA commented that the reference in subparagraph (4)(A)4.C. includes a typographical error. The word—void—should be—avoid. We view the above typo to be an approvability issue.

RESPONSE AND EXPLANATION OF CHANGE: The department has changed the word—void—to read—avoid—in subparagraph (4)(A)4.C. as suggested.

COMMENT: EPA commented that in subparagraph (4)(B)1.A. the date prior to which a petition should be re-evaluated should be a more recent date. EPA suggests either asking for all such petitions (i.e., no date) or using January 1, 2005. We view the lack of a more recent date in this section to be an approvability issue.

RESPONSE AND EXPLANATION OF CHANGE: While the language in the rule as proposed is consistent with the language in CFR 96.71, the department has amended the proposed rule to reflect the January 1, 2005 petition date as suggested.

COMMENT: EPA commented that the word—NO_x—is often omitted in phrases throughout the rule. For example, the—NO_x authorized account representative—or—NO_x allowance—are referred to as —authorized account representative—and—allowance. When the term is defined, like NO_x authorized account representative, it is preferable that the defined term be used. Additionally, it can serve to clarify in other contexts. See also definition (FF). We view the omission of the word—NO_x—in phrases throughout the rule to be an approvability issue.

RESPONSE AND EXPLANATION OF CHANGE: The department has amended the proposed rule to include the term—NO_x—where omitted in the original proposal.

COMMENT: Ameren commented that the proposed rule is the state's response to Phase 2 of the federal NO_x SIP Call. The NO_x SIP Call requires significant reductions in NO_x emissions in twenty-one (21) eastern and mid-western states during the period of May through September. In April of 2004, EPA expanded the rule to include the eastern one-third of Missouri. The department's Air Pollution Control Program was challenged to develop regulations within a very short timeline and should be commended for their efforts to solicit stakeholder input even with the short timeline. Ameren actively participated in the stakeholder process that was used to help craft the proposed regulation.

RESPONSE: The department appreciates Ameren's comments in support of the stakeholder process. The department has not amended the proposed rule in response to this comment.

COMMENT: Ameren would like for the Air Program to note that the NO_x SIP Call requirements are much more stringent than the NO_x regulations that are currently in place during the ozone season. For the Ameren generating units, ozone season NO_x emissions will need to be reduced by an additional forty percent (40%) by 2007 in order to meet the proposed cap. EPA used an emission rate of 0.15 lb/mmBtu as the basis for determining the NO_x budget for the eastern one-third (1/3) of the state. Because the EPA underestimated the growth factor for electrical generating units in eastern Missouri, we

estimate that the actual NO_x emission rate for the Ameren generating units will need to be below 0.126 lb/mmBtu to comply with the rule.

RESPONSE: According to all of the data that the department has seen, Ameren's comment is correct. EPA's IPM modeling appears to have under estimated the growth rate for Missouri's electric generating units. By doing so, EPA's NO_x SIP call cap for Missouri is more stringent than the 0.15 lbs of NO_x/mmBtu limit that EPA based the SIP call on. The department has not amended the proposed rule in response to this comment.

COMMENT: Ameren supports the creation of a set-aside allocation of one hundred thirty-four (134) tons for eligible energy efficiency and renewable generation projects.

RESPONSE: The department appreciated Ameren's comment and support on this issue. The department has not amended the proposed rule in response to this comment.

COMMENT: Ameren has identified a technical error in the proposed regulation. The Ameren Meramec unit 5 was inadvertently left out of the list of units that receive a NO_x allowance allocation in Table 1 in section (3)(E)2. Ameren has previously submitted baseline data to the Program that includes the baseline heat input for all of the eligible EGUs as well as a suggested revised allowance allocation table that includes Meramec 5. That data is also attached to these comments. Based on that data, Meramec 5 should receive five (5) allowances. The allowance allocations for the other units will need to be adjusted as necessary to account for the Meramec 5 allocation.

RESPONSE AND EXPLANATION OF CHANGE: The department has amended Table I in subsection (3)(E) to reflect the addition of Meramec unit 5 in response to Ameren's comments. The department has also amended the private entity fiscal note to reflect this change.

COMMENT: Anheuser-Busch, Inc. commented that paragraph (3)(B)3. incorrectly lists Anheuser-Busch Unit 6 as having a NO_x limit of eight (8) tons per ozone season. Records review and discussions with Mr. Richard Campbell of your staff show that the correct allocation should be fourteen (14) tons per ozone season. Anheuser-Busch requests that the final rule contain fourteen (14) ton per ozone season NO_x allocation.

RESPONSE AND EXPLANATION OF CHANGE: The department has amended Anheuser-Busch, Inc. Unit 6 allocations to reflect the proper number of fourteen (14) tons per ozone season. The department makes this change based on information from Anheuser-Busch, Inc. and from emission inventory reviews done by department staff.

COMMENT: Anheuser-Busch, Inc. commented that the fiscal note accompanying the proposed rule assumed that the large industrial boilers would incur no additional compliance cost associated with this rule since the emission limitation in the proposed rule is above the actual 2003 emissions. This assumption is incorrect. Emissions from the brewery's boiler No. 6 in 2003 were extremely low due to low utilization and no firing of fuel oil. In fact, 2003 emissions were the lowest in the last ten (10) years. This utilization rate and use of only natural gas as fuel is not typical. Thus, significant control measures will be required to meet the fourteen (14) tons per ozone season NO_x limit. Order of magnitude estimates of the cost of compliance are \$1,500,000 to \$2,000,000. Anheuser-Busch requests that the record be corrected to reflect this impact.

RESPONSE AND EXPLANATION OF CHANGE: The department has amended the private entity fiscal note to include a control cost of \$2,000,000 for the affected boiler at Anheuser-Busch, Inc. as suggested. The department believes that it is important to rely on data supplied by the affected entity to the degree possible in estimating the fiscal impacts of proposed rulemaking and therefore has amended the rulemaking accordingly.

10 CSR 10-6.360 Control of NO_x Emissions From Electric Generating Units and Non-Electric Generating Boilers

(1) Applicability.

(E) Retired Unit Exemption. This subsection applies to any NO_x budget unit that is permanently retired.

1. Standard provisions.

A. Any NO_x budget unit that is permanently retired shall be exempt from the NO_x budget trading program, except for the provision of subsection (1)(E), sections (1) and (2), subsections (3)(E), (3)(F) and (3)(G) of this rule.

B. The exemption under subparagraph (1)(E)1.A. of this rule shall become effective the day on which the unit is permanently retired. Within thirty (30) days of permanent retirement, the NO_x authorized account representative shall submit a statement to the director. A copy of the statement shall be submitted to the administrator. The statement shall state that the unit is permanently retired and will comply with the requirements of paragraph (1)(E)2. of this rule.

C. After receipt of the notice under subparagraph (1)(E)1.B. of this rule, the director will amend any permit covering the source at which the unit is located to add the provisions and requirements of the exemption under subparagraph (1)(E)1.A. and paragraph (1)(E)2. of this rule.

2. Special provisions.

A. A unit exempt under this subsection shall not emit any nitrogen oxides, starting on the date that the exemption takes effect.

B. The owners and operators and, to the extent applicable, the NO_x authorized account representative of a unit exempt under this section shall comply with the requirements of the NO_x budget trading program concerning all periods for which the exemption is not in effect, even if such requirements arise, or must be complied with, after the exemption takes effect.

C. Reserved

D. For a period of five (5) years from the date the records are created, the owners and operators of a unit exempt under this section shall retain, at the source that includes the unit, records demonstrating that the unit is permanently retired. The five (5)-year period for keeping records may be extended for cause, at any time prior to the end of the period, in writing by the director or the administrator. The owners and operators bear the burden of proof that the unit is permanently retired.

E. A unit exempt under subsection (1)(E) of this rule and located at a source that is required, except for this exemption, would be required to have a Title V or a non-Title V operating permit, shall not resume operation unless the NO_x authorized account representative of the source submits a complete NO_x budget permit application for the unit not less than eighteen (18) months prior to the later of May 1, 2007 or the date on which the unit is to first resume operation.

3. Loss of exemption. For the purpose of applying monitoring requirements under section (4) of this rule, a unit that loses its exemption under subsection (1)(E) of this rule shall be treated as a unit that commences operation or commercial operation on the first date on which the unit resumes operation. On the earlier of the following dates, a unit exempt under subsection (1)(E) of this rule shall lose its exemption:

A. The date on which the NO_x authorized account representative submits a NO_x budget permit application under subparagraph (1)(E)2.E. of this rule; or

B. The date on which the NO_x authorized account representative is required under subparagraph (1)(E)2.E. of this rule to submit a NO_x budget permit application.

(2) Definitions.

(G) Automated data acquisition and handling system (DAHS)—That component of the continuous emissions monitoring system (CEMS), or other emissions monitoring system approved for use

under section (4) of this rule, designed to interpret and convert individual output signals from pollutant concentration monitors, flow monitors, diluent gas monitors, and other component parts of the monitoring system to produce a continuous record of the measured parameters in the measurement units required in this rule.

(N) Common stack—A single flue through which emissions from two (2) or more units are exhausted.

(FF) Nameplate capacity—The maximum electrical generating output (in MW) that a generator can sustain over a specified period of time when not restricted by seasonal or other deratings as measured in accordance with the United States Department of Energy standards.

(GG) Non-Title V permit—A federally enforceable permit administered by the director pursuant to the CAA and regulatory authority under the CAA, other than Title V of the CAA and 40 CFR 70 or 40 CFR 71.

(HH) NO_x allowance—An authorization by the department or the administrator under the NO_x budget trading program to emit up to one (1) ton of nitrogen oxides during the control period of the specified year or of any year thereafter.

(II) NO_x allowance deduction or deduct NO_x allowances—The permanent withdrawal of NO_x allowances by the administrator from a NO_x allowance tracking system compliance account or overdraft account to account for the number of tons of emissions from a NO_x budget unit for a control period, determined in accordance with section (4) of this rule, or for any other NO_x allowance surrender obligation under this part.

(JJ) NO_x allowances held or hold NO_x allowances—The NO_x allowances recorded by the administrator, or submitted to the administrator for recordation, in accordance with subsections (3)(F) and (G) of this rule, in a NO_x allowance tracking system account.

(KK) NO_x allowance tracking system—The system by which the administrator records allocations, deductions, and transfers of NO_x allowances under the NO_x budget trading program.

(LL) NO_x allowance tracking system account—An account in the NO_x allowance tracking system established by the administrator for purposes of recording the allocation, holding, transferring, or deducting of NO_x allowances.

(MM) NO_x allowance transfer deadline—Midnight of November 30 or, if November 30 is not a business day, midnight of the first business day thereafter and is the deadline by which NO_x allowances may be submitted for recordation in a NO_x budget unit's compliance account, or the overdraft account of the source where the unit is located, in order to meet the unit's NO_x budget emissions limitation for the control period immediately preceding such deadline.

(NN) NO_x authorized account representative—For a NO_x budget source or NO_x budget unit at the source, the natural person who is authorized by the owners and operators of the source and all NO_x budget units at the source, in accordance with subsection (3)(B) of this rule, to represent and legally bind each owner and operator in matters pertaining to the NO_x budget trading program or, for a general account, the natural person who is authorized, in accordance with subsection (3)(F) of this rule, to transfer or otherwise dispose of NO_x allowances held in the general account.

(OO) NO_x budget emissions limitation—For a NO_x budget unit, the tonnage equivalent of the NO_x allowances available for compliance deduction for the unit and for a control period under subparagraph (3)(F)5.A. or B. of this rule for the control period or to account for excess emissions for a prior control period under subparagraph (3)(F)5.D. of this rule or to account for withdrawal from the NO_x budget program.

(PP) NO_x budget permit—The legally binding and federally enforceable written document, or portion of such document, issued by the director, including any permit revisions, specifying the NO_x budget trading program requirements applicable to a NO_x budget source, to each NO_x budget unit at the NO_x budget source, and to the owners and operators and the NO_x authorized account representative of the NO_x budget source and each NO_x budget unit.

(QQ) NO_x budget source—A source that includes one (1) or more NO_x budget units.

(RR) NO_x budget trading program—A multi-state nitrogen oxides air pollution control and emission reduction program established in accordance with this rule and pursuant to 40 CFR 51.121, as a means of mitigating the interstate transport of ozone and nitrogen oxides, an ozone precursor.

(SS) NO_x budget unit—A unit that is subject to the NO_x budget trading program emissions limitation under section (1) or paragraph (3)(H)1. of this rule.

(TT) Operating—With regard to a unit under part (3)(C)3.D.(II) and paragraph (3)(H)1. of this rule, having documented heat input for more than eight hundred seventy-six (876) hours in the six (6) months immediately preceding the submission of an application for an initial NO_x budget permit under subparagraph (3)(H)4.A. of this rule.

(UU) Operator—Any person who operates, controls, or supervises a NO_x budget unit, or a NO_x budget source and shall include, but not be limited to, any holding company, utility system, or plant manager of such a unit or source.

(VV) Overdraft account—The NO_x allowance tracking system account, established by the administrator under subsection (3)(F) of this rule, for each NO_x budget source where there are two (2) or more NO_x budget units.

(WW) Owner—Any of the following persons:

1. Any holder of any portion of the legal or equitable title in a NO_x budget unit;

2. Any holder of a leasehold interest in a NO_x budget unit;

3. Any purchaser of power from a NO_x budget unit under a life-of-the-unit, firm power contractual arrangement. However, unless expressly provided for in a leasehold agreement, owner shall not include a passive lessor, or a person who has an equitable interest through such lessor, whose rental payments are not based, either directly or indirectly, upon the revenues or income from the NO_x budget unit; or

4. With respect to any general account, any person who has an ownership interest with respect to the NO_x allowances held in the general account and who is subject to the binding agreement for the NO_x authorized account representative to represent that person's ownership interest with respect to NO_x allowances.

(XX) Receive or receipt of—When referring to the director or the administrator, to come into possession of a document, information, or correspondence (whether sent in writing or by authorized electronic transmission), as indicated in an official correspondence log, or by a notation made on the document, information, or correspondence, by the director or the administrator in the regular course of business.

(YY) Recordation, record, or recorded—With regard to NO_x allowances, the movement of NO_x allowances by the administrator from one (1) NO_x allowance tracking system account to another, for purposes of allocation, transfer, or deduction.

(ZZ) Reference method—Any direct test method of sampling and analyzing for an air pollutant as specified in Appendix A of 40 CFR 60.

(AAA) Serial number—When referring to NO_x allowances, the unique identification number assigned to each NO_x allowance by the administrator, under subparagraph (3)(F)4.C. of this rule.

(BBB) Source—Any governmental, institutional, commercial, or industrial structure, installation, plant, building, or facility that emits or has the potential to emit any regulated air pollutant under the CAA. For purposes of section 502(c) of the CAA, a "source," including a "source" with multiple units, shall be considered a single "facility."

(CCC) State—One (1) of the forty-eight (48) contiguous states and the District of Columbia specified in 40 CFR 51.121, or any non-federal authority in or including such states or the District of Columbia (including local agencies, and statewide agencies) or any eligible Indian tribe in an area of such state or the District of Columbia, that

adopts a NO_x budget trading program pursuant to 40 CFR 51.121. To the extent a state incorporates by reference the provisions of this part, the term “state” shall mean the incorporating state. The term “state” shall have its conventional meaning where such meaning is clear from the context.

(DDD) State trading program NO_x budget—The total number of tons apportioned to all NO_x budget units in a given state, in accordance with the NO_x budget trading program, for use in a given control period.

(EEE) Submit or serve—To send or transmit a document, information, or correspondence to the person specified in accordance with the applicable regulation—

1. In person;
2. By United States Postal Service; or
3. By other means of dispatch or transmission and delivery.

Compliance with any “submission,” “service,” or “mailing” deadline shall be determined by the date of dispatch, transmission, or mailing and not the date of receipt.

(FFF) Title V operating permit—A permit issued under Title V of the CAA and 40 CFR 70 or 40 CFR 71.

(GGG) Title V operating permit regulations—The regulations that the administrator has approved or issued as meeting the requirements of Title V of the CAA and 40 CFR 70 or 40 CFR 71.

(HHH) Ton or tonnage—Any “short ton” (i.e., two thousand (2,000) pounds). For the purpose of determining compliance with the NO_x budget emissions limitation, total tons for a control period shall be calculated as the sum of all recorded hourly emissions (or the tonnage equivalent of the recorded hourly emissions rates) in accordance with section (4) of this rule, with any remaining fraction of a ton equal to or greater than 0.50 ton deemed to equal one (1) ton and any fraction of a ton less than 0.50 ton deemed to equal zero tons.

(III) Unit—a fossil fuel-fired stationary boiler, combustion turbine, or combined cycle system.

(JJJ) Unit load—The total (i.e., gross) output of a unit in any control period (or other specified time period) produced by combusting a given heat input of fuel, expressed in terms of:

1. The total electrical generation (MW) produced by the unit, including generation for use within the plant; or
2. In the case of a unit that uses heat input for purposes other than electrical generation, the total steam pressure (psia) produced by the unit, including steam for use by the unit.

(KKK) Unit operating day—A calendar day in which a unit combusts any fuel.

(LLL) Unit operating hour or hour of unit operation—Any hour or fraction of an hour during which a unit combusts fuel.

(MMM) Utilization—The heat input (expressed in mmBtu/time) for a unit. The unit’s total heat input for the control period in each year will be determined in accordance with 40 CFR 75 if the NO_x budget unit was otherwise subject to the requirements of 40 CFR 75 for the year, or will be based on the best available data reported to the administrator for the unit if the unit was not otherwise subject to the requirements of 40 CFR 75 for the year.

(NNN) Definitions of certain terms specified in this rule, other than those defined in this rule section, may be found in 10 CSR 10-6.020.

(3) General Provisions.

(A) Standard Requirements.

1. Permit requirements.

A. The NO_x authorized account representative of each NO_x budget source required to have a federally enforceable permit and each NO_x budget unit required to have a federally enforceable permit at the source shall:

(I) Submit to the director a complete NO_x budget permit application under paragraph (3)(C)3. of this rule in accordance with the deadlines specified in subparagraphs (3)(C)2.B. and C. of this rule; and

(II) Submit in a timely manner any supplemental information that the director determines is necessary in order to review a NO_x budget permit application and issue or deny a NO_x budget permit.

B. The owners and operators of each NO_x budget source required to have a federally enforceable permit and each NO_x budget unit required to have a federally enforceable permit at the source shall have a NO_x budget permit issued by the director and operate the unit in compliance with such NO_x budget permit.

C. The owners and operators of a NO_x budget source that is not otherwise required to have a federally enforceable permit are not required to submit a NO_x budget permit application, and to have a NO_x budget permit, under subsection (3)(C) of this rule for such NO_x budget source.

2. Monitoring requirements.

A. The owners and operators of a NO_x budget source and each NO_x budget unit at the source shall comply with the monitoring requirements of section (4) of this rule.

B. The emissions measurements recorded and reported in accordance with section (4) of this rule shall be used to determine compliance by the unit with the NO_x budget emissions limitation under paragraph (3)(A)3. of this rule.

3. Nitrogen oxides requirements.

A. The owners and operators of each NO_x budget source and each NO_x budget unit at the source shall hold NO_x allowances available for compliance deductions under paragraph (3)(F)5. of this rule, as of the NO_x allowance transfer deadline, in the unit’s compliance account and the source’s overdraft account in an amount not less than the total emissions for the control period from the unit, as determined in accordance with section (4) of this rule.

B. Each ton of nitrogen oxides emitted in excess of the NO_x budget emissions limitation shall constitute a separate violation of this rule, the CAA, and applicable state law.

C. A NO_x budget unit shall be subject to the requirements under subparagraph (3)(A)3.A. of this rule starting on the later of May 1, 2007 or the date on which the unit commences operation.

D. NO_x allowances shall be held in, deducted from, or transferred among NO_x allowance tracking system accounts in accordance with subsections (3)(E), (F), (G), and (H) of this rule.

E. A NO_x allowance shall not be deducted, in order to comply with the requirements under subparagraph (3)(A)3.A. of this rule, for a control period in a year prior to the year for which the NO_x allowance was allocated.

F. A NO_x allowance allocated by the director or the administrator under the NO_x budget trading program is a limited authorization to emit one (1) ton of nitrogen oxides in accordance with the NO_x budget trading program. No provision of the NO_x budget trading program, the NO_x budget permit application, the NO_x budget permit, or an exemption under subsection (1)(E) of this rule and no provision of law shall be construed to limit the authority of the United States or the state to terminate or limit such authorization.

G. A NO_x allowance allocated by the director or the administrator under the NO_x budget trading program does not constitute a property right.

H. Upon recordation by the administrator under subsections (3)(F), (G), or (H) of this rule, every allocation, transfer, or deduction of a NO_x allowance to or from a NO_x budget unit’s compliance account or the overdraft account of the source where the unit is located is deemed to amend automatically, and become a part of, any NO_x budget permit of the NO_x budget unit by operation of law without any further review.

4. Excess emissions requirements. The owners and operators of a NO_x budget unit that has excess emissions in any control period shall:

A. Surrender the NO_x allowances required for deduction under part (3)(F)5.D.(I) of this rule; and

B. Pay any fine, penalty, or assessment or comply with any other remedy imposed under part (3)(F)5.D.(III) of this rule.

5. Record keeping and reporting requirements.

A. Unless otherwise provided, the owners and operators of the NO_x budget source and each NO_x budget unit at the source shall keep on-site at the source each of the following documents for a period of five (5) years from the date the document is created. This period may be extended for cause, at any time prior to the end of five (5) years, in writing by the director or the administrator.

(I) The account certificate of representation for the NO_x authorized account representative for the source and each NO_x budget unit at the source and all documents that demonstrate the truth of the statements in the account certificate of representation, in accordance with paragraph (3)(B)4.; provided that the certificate and documents shall be retained on-site at the source beyond such five (5)-year period until such documents are superseded because of the submission of a new account certificate of representation changing the NO_x authorized account representative.

(II) All emissions monitoring information, in accordance with section (4) of this rule; provided that to the extent that section (4) of this rule provides for a three (3)-year period for record keeping, the three (3)-year period shall apply.

(III) Copies of all reports, compliance certifications, and other submissions and all records made or required under the NO_x budget trading program.

(IV) Copies of all documents used to complete a NO_x budget permit application and any other submission under the NO_x budget trading program or to demonstrate compliance with the requirements of the NO_x budget trading program.

B. The NO_x authorized account representative of a NO_x budget source and each NO_x budget unit at the source shall submit the reports and compliance certifications required under the NO_x budget trading program, including those under subsections (3)(D), (3)(H), or section (4) of this rule.

6. Liability.

A. Any person who knowingly violates any requirement or prohibition of the NO_x budget trading program, a NO_x budget permit, or an exemption under subsection (1)(E) of this rule shall be subject to enforcement pursuant to applicable state or federal law.

B. Any person who knowingly makes a false material statement in any record, submission, or report under the NO_x budget trading program shall be subject to criminal enforcement pursuant to the applicable state or federal law.

C. No permit revision shall excuse any violation of the requirements of the NO_x budget trading program that occurs prior to the date that the revision takes effect.

D. Each NO_x budget source and each NO_x budget unit shall meet the requirements of the NO_x budget trading program.

E. Any provision of the NO_x budget trading program that applies to a NO_x budget source (including a provision applicable to the NO_x authorized account representative of a NO_x budget source) shall also apply to the owners and operators of such source and of the NO_x budget units at the source.

F. Any provision of the NO_x budget trading program that applies to a NO_x budget unit (including a provision applicable to the NO_x authorized account representative of a NO_x budget unit) shall also apply to the owners and operators of such unit. Except with regard to the requirements applicable to units with a common stack under section (4) of this rule, the owners and operators and the NO_x authorized account representative of one NO_x budget unit shall not be liable for any violation by any other NO_x budget unit of which they are not owners or operators or the NO_x authorized account representative and that is located at a source of which they are not owners or operators or the NO_x authorized account representative.

7. Effect on other authorities. No provision of the NO_x budget trading program, a NO_x budget permit application, a NO_x budget permit, or an exemption under subsection (1)(E) of this rule shall be construed as exempting or excluding the owners and operators and, to the extent applicable, the NO_x authorized account representative of a NO_x budget source or NO_x budget unit from compliance with any

other provision of the applicable, approved state implementation plan, a federally enforceable permit, or the CAA.

(C) NO_x Budget Permits.

1. General NO_x budget trading program permit requirements.

A. For each NO_x budget source required to have a federally enforceable permit, such permit shall include a NO_x budget permit administered by the director.

(I) For NO_x budget sources required to have a Title V operating permit, the NO_x budget portion of the Title V permit shall be administered in accordance with the director's Title V operating permits regulations promulgated under 40 CFR 70 or 71, except as provided otherwise by subsection (3)(C) or (H) of this rule.

(II) For NO_x budget sources required to have a non-Title V permit, the NO_x budget portion of the non-Title V permit shall be administered in accordance with the director's regulations promulgated to administer non-Title V permits, except as provided otherwise by subsection (3)(C) or (H) of this rule.

B. Each NO_x budget permit (including a draft or proposed NO_x budget permit, if applicable) shall contain all applicable NO_x budget trading program requirements and shall be a complete and segregable portion of the permit under subparagraph (3)(C)1.A. of this rule.

2. Submission of NO_x budget permit applications.

A. The NO_x authorized account representative of any NO_x budget source required to have a federally enforceable permit shall submit to the director a complete NO_x budget permit application under paragraph (3)(C)3. of this rule by the applicable deadline in subparagraph (3)(C)3.B. of this rule.

B. Application time.

(I) For NO_x budget sources required to have a Title V operating permit:

(a) For any source, with one (1) or more NO_x budget units under section (1) of this rule that commence operation before January 1, 2006, the NO_x authorized account representative shall submit a complete NO_x budget permit application under paragraph (3)(C)3. of this rule covering such NO_x budget units to the director at least eighteen (18) months (or such lesser time provided under the director's Title V operating permits regulations for final action on a permit application) before May 1, 2007.

(b) For any source, with any NO_x budget unit under section (1) of this rule that commences operation on or after January 1, 2006, the NO_x authorized account representative shall submit a complete NO_x budget permit application under paragraph (3)(C)3. of this rule covering such NO_x budget unit to the director at least eighteen (18) months (or such lesser time provided under the director's Title V operating permits regulations for final action on a permit application) before the later of May 1, 2007 or the date on which the NO_x budget unit commences operation.

(II) For NO_x budget sources required to have a non-Title V permit:

(a) For any source, with one (1) or more NO_x budget units under section (1) of this rule that commence operation before January 1, 2006, the NO_x authorized account representative shall submit a complete NO_x budget permit application under paragraph (3)(C)3. of this rule covering such NO_x budget units to the director at least eighteen (18) months (or such lesser time provided under the director's non-Title V permits regulations for final action on a permit application) before May 1, 2007.

(b) For any source, with any NO_x budget unit under section (1) of this rule that commences operation on or after January 1, 2006, the NO_x authorized account representative shall submit a complete NO_x budget permit application under paragraph (3)(C)3. of this rule covering such NO_x budget unit to the director at least eighteen (18) months (or such lesser time provided under the director's non-Title V permits regulations for final action on a permit application) before the later of May 1, 2007 or the date on which the NO_x budget unit commences operation.

C. Duty to reapply.

(I) For a NO_x budget source required to have a Title V operating permit, the NO_x authorized account representative shall submit a complete NO_x budget permit application under paragraph (3)(C)3. of this rule for the NO_x budget source covering the NO_x budget units at the source in accordance with the director's Title V operating permits regulations addressing operating permit renewal.

(II) For a NO_x budget source required to have a non-Title V permit, the NO_x authorized account representative shall submit a complete NO_x budget permit application under paragraph (3)(C)3. of this rule for the NO_x budget source covering the NO_x budget units at the source in accordance with the director's non-Title V permits regulations addressing permit renewal.

3. Information requirements for NO_x budget permit applications. A complete NO_x budget permit application shall include the following elements concerning the NO_x budget source for which the application is submitted, in a format prescribed by the director:

A. Identification of the NO_x budget source, including plant name and the Office of Regulatory Information Systems (ORIS) or facility code assigned to the source by the Energy Information Administration, if applicable;

B. Identification of each NO_x budget unit at the NO_x budget source and whether it is a NO_x budget unit under section (1) of this rule or under subsection (3)(H) of this rule; and

C. The standard requirements under subsection (3)(A) of this rule.

4. NO_x budget permit contents.

A. Each NO_x budget permit (including any draft or proposed NO_x budget permit, if applicable) will contain, in a format prescribed by the director, all elements required for a complete NO_x budget permit application under paragraph (3)(C)3. of this rule as approved or adjusted by the director.

B. Each NO_x budget permit is deemed to incorporate automatically the definitions of terms under section (2) of this rule and, upon recordation by the administrator under subsections (3)(F), (G), or (H) of this rule, every allocation, transfer, or deduction of a NO_x allowance to or from the compliance accounts of the NO_x budget units covered by the permit or the overdraft account of the NO_x budget source covered by the permit.

5. Effective date of initial NO_x budget permit. The initial NO_x budget permit covering a NO_x budget unit for which a complete NO_x budget permit application is timely submitted under subparagraph (3)(C)2.B. of this rule shall become effective by the later of:

A. May 1, 2007;

B. May 1 of the year in which the NO_x budget unit commences operation, if the unit commences operation on or before May 1 of that year;

C. The date on which the NO_x budget unit commences operation, if the unit commences operation during a control period; or

D. May 1 of the year following the year in which the NO_x budget unit commences operation, if the unit commences operation on or after October 1 of the year.

6. NO_x budget permit revisions.

A. For a NO_x budget source with a Title V operating permit, except as provided in subparagraph (3)(C)4.B. of this rule, the director will revise the NO_x budget permit, as necessary, in accordance with the director's Title V operating permits regulations addressing permit revisions.

B. For a NO_x budget source with a non-Title V permit, except as provided in subparagraph (3)(C)4.B. of this rule, the director will revise the NO_x budget permit, as necessary, in accordance with the director's non-Title V permits regulations addressing permit revisions.

(E) NO_x Allowance Allocations.

1. The state trading program NO_x budget allocated by the director under paragraphs (3)(E)2. and (3)(E)3. of this rule for a control period will equal the total number of tons of emissions apportioned to the NO_x budget units in Missouri for the control period, as determined by the applicable, approved state implementation plan.

2. The following NO_x budget units shall be allocated NO_x allowances for each control period in accordance with Table I of paragraph (3)(E)2.

Table I

NO _x Budget Unit	Unit	Percentage of 1995 Heat Input	NO _x Allowances by Unit
Associated Electric Cooperative—New Madrid	1	8.49	1126
Associated Electric Cooperative—New Madrid	2	8.91	1182
Ameren—Howard Bend	1	0.02	3
Ameren—Labadie	1	8.64	1146
Ameren—Labadie	2	9.52	1263
Ameren—Labadie	3	10.92	1449
Ameren—Labadie	4	10.09	1339
Ameren—Meramec	1	0.86	114
Ameren—Meramec	2	0.66	88
Ameren—Meramec	3	1.14	152
Ameren—Meramec	4	2.11	280
Ameren—Meramec	5	0.04	5
Ameren—Rush Island	1	10.59	1405
Ameren—Rush Island	2	10.52	1395
Ameren—Sioux	1	6.10	809
Ameren—Sioux	2	5.47	726
Ameren—Viaduct	1	0.03	4
City of Sikeston	1	5.88	780
Energy efficiency and renewable generation projects set-aside			134

3. The following existing non-EGU boilers shall be allocated NO_x allowances for each control period in accordance with Table II of paragraph (3)(E)3.

Table II

Non-EGUs Boilers	Unit	NO _x Limitation per Unit Tons per Ozone Season
Anheuser Busch	6	14
Trigen Ashley Street Station Boiler	5	9
Trigen Ashley Street Station Boiler	6	36

4. Any unit subject to subsection (1)(B) other than those listed in Tables I and II of this subsection will not be allocated NO_x budget allowances under this rule.

5. *Reserved*

6. Any person seeking set aside NO_x allowances for energy efficiency and renewable generation projects shall meet the requirements of paragraph (3)(E)6. of this rule.

A. The purpose for establishing these set-asides is to allocate NO_x allowances to serve as incentives for saving or generating electricity through the implementation of energy efficiency and renewable generation projects as defined in this section.

(I) Each energy efficiency and renewable generation set-aside shall contain the number of NO_x allowances as provided in Table I of this subsection.

(II) Awards of NO_x allowances will be available only to eligible energy efficiency or renewable generation projects that—

(a) Commence operation after September 1, 2005;

(b) Reduce electricity use, generate electricity from renewable resources or provide combined heat and power benefits during the period of May 1 through September 30, 2006, or subsequent control periods; and

(c) In an application submitted by November 30 of each year, include adequate documentation of these energy savings, renewable energy generation or combined heat and power benefits.

(III) Projects will be awarded NO_x allowances denominated for the control period following the control period during which the qualifying project activities took place. For example, sponsors of project activities that take place during the 2006 control period will receive NO_x allowances denominated for the 2007 control period.

(IV) Projects may qualify for awards from the set-aside for up to five (5) consecutive control periods.

(V) Department actions on applications for awards from the set-aside. The department shall act upon applications as follows:

(a) By March 1 preceding the control period for which NO_x allowances are requested, the department shall take the following actions:

I. For each application, the department shall determine whether the project is eligible and the application is complete and shall notify the applicant of its determination.

II. For the eligible and complete applications, the department shall calculate the total number of NO_x allowances which the projects are qualified to receive, not to exceed the total number of NO_x allowances allocated to the set-aside as provided in Table I of this subsection, and shall award said NO_x allowances to eligible energy efficiency or renewable generation projects.

(b) If the number of NO_x allowances awarded is fewer than NO_x allowances allocated to the set-aside as provided in Table I of this subsection, the department shall transfer surplus NO_x allowances to the accounts of the electric utilities listed in Table I of this subsection on a pro rata basis in the same proportion as allocations to NO_x budget units set forth in Table I of this subsection.

(c) If the number of NO_x allowances claimed for award is more than NO_x allowances allocated to the set-aside as provided in Table I of this subsection, the department shall determine awards based on each applicant's position in an eligible projects queue that will be established by the department.

B. Project eligibility. Allocations from the energy efficiency and renewable generation set-aside may be requested by any entity, including an electric utility listed in Table I of this subsection or its affiliate, that implements and demonstrates eligible projects as defined in this subparagraph.

(I) Eligibility requirements. The department shall establish requirements for project eligibility and shall determine which projects are eligible to receive awards from the set-aside.

(II) Only the following shall be eligible for awards from the set-aside:

(a) Energy efficiency projects resulting in reduced or more efficient electricity use through the voluntary modification of

maintenance and operating procedures in a building or facility or the voluntary installation, replacement, or modification of equipment, fixtures, or materials in a building or facility.

I. Energy efficiency projects may be directed toward or located within buildings or facilities owned, leased, operated or controlled by an electric utility listed in Table I of this subsection or its affiliate. Eligibility requirements for these projects shall be the same as for any other energy efficiency project.

II. Energy efficiency projects may include demand side programs that result in reduced or more efficient electricity use;

(b) Renewable generation projects, including electric generation from wind, photovoltaic systems, biogas, geothermal and hydropower projects. Renewable generation projects do not include nuclear power projects. Eligible biogas projects include projects to generate electricity from methane gas captured from sanitary landfills, wastewater treatment plants, sewage treatment plants or agricultural livestock waste treatment systems. Eligible hydropower projects are restricted to systems—

I. That are certified by the Low Impact Hydropower Institute;

II. That employ a head of ten feet (10') or less; or

III. Employing a head greater than ten feet (10') that make use of a dam that existed prior to the effective date of this rule;

(c) Renewable biomass generation projects including projects in which one (1) or more biomass fuels is fired separately or co-fired with one (1) or more fossil fuels to generate electricity. Biomass includes wood and wood waste, energy crops such as switchgrass and agricultural wastes such as crop and animal waste. Electric generation from combustion of municipal solid waste is not included; and

(d) Combined heat and power projects that use integrated technologies, including cogeneration, which convert fuel to electric, thermal, and mechanical energy for on-site or local use. In the case of electricity generation combined heat and power can include export of power to the local electric utility transmission grid. The thermal energy from combined heat and power systems can be created and used in the form of steam, hot or chilled water for process, space heating or cooling, or other applications. To be eligible, the combined heat and power installation must meet or exceed technology-specific efficiency thresholds that will be established by the department.

(III) Additional eligibility requirements shall include the following:

(a) NO_x authorized account representative must be designated for the project on forms provided by the department;

(b) Only projects that are not required by federal government regulation and that are not and will not be used to generate compliance or permitting credits otherwise in the SIP are eligible to receive NO_x allowances from the set-aside;

(c) Only projects that equal at least one (1) ton of NO_x emissions, using conventional arithmetic rounding, are eligible to receive NO_x allowances from the set-aside. Multiple projects may be aggregated into a single NO_x allowance allocation request to equal one (1) or more tons of NO_x emissions;

(d) Only projects that commence operation after September 1, 2005 are eligible to receive NO_x allowances from the set-aside;

(e) Location of the project:

I. Renewable generation projects and renewable biomass generation projects, as defined in subpart (3)(E)6.B.(II)(C) of this rule located anywhere in the state of Missouri are eligible if the generation facility meets all other eligibility requirements and—

a. The facility is owned, leased, operated or controlled by an electric utility listed in Table I of this subsection or an affiliate and generates electricity that is primarily intended to be marketed or distributed to end users who are included in the utility's native load or who are located in the Missouri SIP region; or

b. The facility supplies power through a power purchase contract to an electric utility listed in Table I of this subsection or an affiliate and the power purchased is primarily intended to be marketed or distributed to end users who are included in the utility's native load or who are located in the Missouri SIP region.

II. Energy efficiency projects and combined heat and power projects, as defined in subpart (3)(E)6.B.(II)(d) of this rule, must be located in the area described in subsection (1)(A) of this rule to be eligible to receive NO_x allowances from the set-aside.

(IV) Pre-application eligibility review. Project sponsors may request a pre-application eligibility review preceding project activities that will serve as the basis for an application for awards from the set-aside. The review will cover eligibility requirements that can be determined prior to receipt of a complete application for awards. The request for early eligibility review must be submitted on forms provided by the department.

(V) Eligibility for any project may be claimed by only one (1) entity. The department shall determine procedures to be followed if multiple claims of eligibility for the same project are received.

C. Applications and calculations of awards. To qualify for an award of NO_x allowances from the set-aside an applicant must meet the following requirements:

(I) The project must be eligible as provided in paragraph (3)(E)6. of this rule;

(II) A complete application must be received by the last business day of November following the period of May 1 through September 30 during which the eligible project activities occurred. The application shall—

(a) Be prepared on forms provided by the department and must be submitted by the project's NO_x authorized account representative;

(b) Be submitted with certification by a professional engineer attesting that information and calculations submitted in the application are complete and accurate.

I. The department shall have the right to require verification of data and calculations that are presented in an application as a condition for awarding NO_x allowances to the applicant; and

II. Verification may include site visits by agents of the department;

(c) Demonstrate electricity savings or renewable generation and calculate the NO_x allowance award requested using methods that adhere to measurement and verification standards approved by the department; and

(d) If the applicant intends to reapply in subsequent years, the application must indicate the stream of benefits that is expected in subsequent years;

(III) The department shall determine methods for calculating awards of NO_x allowances based upon the following principles:

(a) NO_x allowances awarded to end-use electrical energy efficiency projects shall be calculated as the number of megawatt hours (MWh) of electricity saved during a control period multiplied by an emissions factor of 1.5 pounds of NO_x per MWh appropriately converted and rounded to tons using conventional arithmetic rounding. The department shall provide a factor to adjust the calculation of electricity saved to account for transmission and distribution line losses;

(b) NO_x allowances awarded to renewable generation projects from wind, photovoltaic systems, biogas, geothermal and hydropower projects shall be calculated as the number of kilowatt hours of electricity generated during a control period multiplied by an emissions factor of 1.5 pounds of NO_x per MWh appropriately converted and rounded to tons using conventional arithmetic rounding;

(c) NO_x allowances awarded to renewable biomass generation projects shall be calculated based on net NO_x emission reductions, appropriately converted and rounded to tons using conventional arithmetic rounding where—

I. Net NO_x emissions shall be calculated as the number of kilowatt hours of electricity generated during a control period multiplied by an emissions factor of 1.5 pounds of NO_x per MWh, minus the tons of NO_x emitted by the renewable generating project during the control period; and

II. When biomass is co-fired with other fuels, its share of electric generation and NO_x emissions shall be calculated based on its share of the total heat content of all fuels used in the co-firing process; and

(d) The department shall determine methods for calculating NO_x allowances for combined heat and power projects; and

(IV) A project's NO_x authorized account representative may reapply for set-aside awards for up to five (5) consecutive control periods by meeting the following requirements:

(a) Reapplication must be received by the last business day of November following the last day of the control period during which the energy efficiency and renewable electric generation activities took place;

(b) The reapplication must be prepared on forms provided by the department and must be submitted by the project's NO_x authorized account representative; and

(c) The application must be submitted with certification by a professional engineer attesting that information and calculations included in the application are complete and accurate.

(F) NO_x Allowance Tracking System.

1. NO_x allowance tracking system accounts.

A. Nature and function of compliance accounts and overdraft accounts. Consistent with subparagraph (3)(F)2.A. of this rule, the administrator will establish one (1) compliance account for each NO_x budget unit and one (1) overdraft account for each source with one (1) or more NO_x budget units. Allocations of NO_x allowances pursuant to subsection (3)(E) or paragraph (3)(H)9. of this rule and deductions or transfers of NO_x allowances pursuant to paragraphs (3)(D)2., (3)(F)5., (3)(F)7., subsection (3)(G), or subsection (3)(H) of this rule will be recorded in the compliance accounts or overdraft accounts in accordance with subsection (3)(F) of this rule.

B. Nature and function of general accounts. Consistent with subparagraph (3)(F)2.B. of this rule, the administrator will establish, upon request, a general account for any person. Transfers of NO_x allowances pursuant to subsection (3)(G) of this rule will be recorded in the general account in accordance with subsection (3)(F) of this rule.

2. Establishment of accounts.

A. Compliance accounts and overdraft accounts. Upon receipt of a complete account certificate of representation under paragraph (3)(B)4. of this rule, the administrator will establish—

(I) A compliance account for each NO_x budget unit for which the account certificate of representation was submitted; and

(II) An overdraft account for each source for which the account certificate of representation was submitted and that has two (2) or more NO_x budget units.

B. General accounts.

(I) Any person may apply to open a general account for the purpose of holding and transferring NO_x allowances. A complete application for a general account shall be submitted to the administrator and shall include the following elements in a format prescribed by the administrator:

(a) Name, mailing address, e-mail address (if any), telephone number, and facsimile transmission number (if any) of the NO_x authorized account representative and any alternate NO_x authorized account representative;

(b) At the option of the NO_x authorized account representative, organization name and type of organization;

(c) A list of all persons subject to a binding agreement for the NO_x authorized account representative or any alternate NO_x authorized account representative to represent their ownership interest with respect to the NO_x allowances held in the general account;

(d) The following certification statement by the NO_x authorized account representative and any alternate NO_x authorized account representative: "I certify that I was selected as the NO_x authorized account representative or the alternate NO_x authorized account representative, as applicable, by an agreement that is binding on all persons who have an ownership interest with respect to NO_x allowances held in the general account. I certify that I have all the necessary authority to carry out my duties and responsibilities under the NO_x budget trading program on behalf of such persons and that each such person shall be fully bound by my representations, actions, inactions, or submissions and by any order or decision issued to me by the administrator or a court regarding the general account.";

(e) The signature of the NO_x authorized account representative and any alternate NO_x authorized account representative and the dates signed; and

(f) Unless otherwise required by the director or the administrator, documents of agreement referred to in the account certificate of representation shall not be submitted to the permitting authority or the administrator. Neither the director nor the administrator shall be under any obligation to review or evaluate the sufficiency of such documents, if submitted.

(II) Upon receipt by the administrator of a complete application for a general account under part (3)(F)2.B.(I) of this rule:

(a) The administrator will establish a general account for the person or persons for whom the application is submitted;

(b) The NO_x authorized account representative and any alternate NO_x authorized account representative for the general account shall represent and, by his or her representations, actions, inactions, or submissions, legally bind each person who has an ownership interest with respect to NO_x allowances held in the general account in all matters pertaining to the NO_x budget trading program, notwithstanding any agreement between the NO_x authorized account representative or any alternate NO_x authorized account representative and such person. Any such person shall be bound by any order or decision issued to the NO_x authorized account representative or any alternate NO_x authorized account representative by the administrator or a court regarding the general account;

(c) Each submission concerning the general account shall be submitted, signed, and certified by the NO_x authorized account representative or any alternate NO_x authorized account representative for the persons having an ownership interest with respect to NO_x allowances held in the general account. Each such submission shall include the following certification statement by the NO_x authorized account representative or any alternate NO_x authorized account representative: "I am authorized to make this submission on behalf of the persons having an ownership interest with respect to the NO_x allowances held in the general account. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment."; and

(d) The administrator will accept or act on a submission concerning the general account only if the submission has been made, signed, and certified in accordance with subpart (3)(F)2.B.(II)(c) of this rule.

(III) NO_x authorized account representative for general accounts.

(a) An application for a general account may designate one (1) and only one (1) NO_x authorized account representative and one (1) and only one (1) alternate NO_x authorized account representative who may act on behalf of the NO_x authorized account representative. The agreement by which the alternate NO_x authorized account representative is selected shall include a procedure for authorizing the alternate NO_x authorized account representative to act in lieu of the NO_x authorized account representative.

(b) Upon receipt by the administrator of a complete application for a general account under part (3)(F)2.B.(I) of this rule, any representation, action, inaction, or submission by any alternate NO_x authorized account representative shall be deemed to be a representation, action, inaction, or submission by the NO_x authorized account representative.

(IV) Changes in account representatives for general accounts; changes in owners and operators.

(a) The NO_x authorized account representative for a general account may be changed at any time upon receipt by the administrator of a superseding complete application for a general account under part (3)(F)2.B.(I) of this rule. Notwithstanding any such change, all representations, actions, inactions, and submissions by the previous NO_x authorized account representative prior to the time and date when the administrator receives the superseding application for a general account shall be binding on the new NO_x authorized account representative and the persons with an ownership interest with respect to the NO_x allowances in the general account.

(b) The alternate NO_x authorized account representative for a general account may be changed at any time upon receipt by the administrator of a superseding complete application for a general account under part (3)(F)2.B.(I) of this rule. Notwithstanding any such change, all representations, actions, inactions, and submissions by the previous alternate NO_x authorized account representative prior to the time and date when the administrator receives the superseding application for a general account shall be binding on the new alternate NO_x authorized account representative and the persons with an ownership interest with respect to the NO_x allowances in the general account.

(c) Changes in the owners and operators.

I. In the event a new person having an ownership interest with respect to NO_x allowances in the general account is not included in the list of such persons in the account certificate of representation, such new person shall be deemed to be subject to and bound by the account certificate of representation, the representation, actions, inactions, and submissions of the NO_x authorized account representative and any alternate NO_x authorized account representative of the source or unit, and the decisions, orders, actions, and inactions of the administrator, as if the new person were included in such list.

II. Within thirty (30) days following any change in the persons having an ownership interest with respect to NO_x allowances in the general account, including the addition of persons, the NO_x authorized account representative or any alternate NO_x authorized account representative shall submit a revision to the application for a general account amending the list of persons having an ownership interest with respect to the NO_x allowances in the general account to include the change.

(V) Objections concerning the NO_x authorized account representative for a general account.

(a) Once a complete application for a general account under part (3)(F)2.B.(I) of this rule has been submitted and received, the administrator will rely on the application unless and until a superseding complete application for a general account under part (3)(F)2.B.(I) of this rule is received by the administrator.

(b) Except as provided in part (3)(F)2.B.(IV) of this rule, no objection or other communication submitted to the administrator concerning the authorization, or any representation, action, inaction, or submission of the NO_x authorized account representative or any alternate NO_x authorized account representative for a general account shall affect any representation, action, inaction, or submission of the NO_x authorized account representative or any alternate NO_x authorized account representative or the finality of any decision or order by the administrator under the NO_x budget trading program.

(c) The administrator will not adjudicate any private legal dispute concerning the authorization or any representation,

action, inaction, or submission of the NO_x authorized account representative or any alternate NO_x authorized account representative for a general account, including private legal disputes concerning the proceeds of NO_x allowance transfers.

C. Account identification. The administrator will assign a unique identifying number to each account established under subparagraphs (3)(F)2.A. or B. of this rule.

3. Responsibilities of NO_x authorized account representative.

A. Following the establishment of a NO_x allowance tracking system account, all submissions to the administrator pertaining to the account, including, but not limited to, submissions concerning the deduction or transfer of NO_x allowances in the account, shall be made only by the NO_x authorized account representative for the account.

B. NO_x authorized account representative identification. The administrator will assign a unique identifying number to each NO_x authorized account representative.

4. Recordation of NO_x allowance allocations.

A. The administrator will record the NO_x allowances for 2007 and 2008 in the NO_x budget units' compliance accounts and the allocation set-asides, as allocated under subsection (3)(E) of this rule.

B. Each year, after the administrator has made all deductions from a NO_x budget unit's compliance account and the overdraft account pursuant to paragraph (3)(F)5. of this rule, the administrator will record NO_x allowances, as allocated to the unit under subsection (3)(E) of this rule or under part (3)(H)9.A.(II) of this rule, in the compliance account for the year after the last year for which NO_x allowances were previously allocated to the compliance account. Each year, the administrator will also record NO_x allowances, as allocated under subsection (3)(E) of this rule, in the allocation set-aside for the year after the last year for which NO_x allowances were previously allocated to an allocation set-aside.

C. Serial numbers for allocated NO_x allowances. When allocating NO_x allowances to and recording them in an account, the administrator will assign each NO_x allowance a unique identification number that will include digits identifying the year for which the NO_x allowance is allocated.

5. Compliance.

A. NO_x allowance transfer deadline. The NO_x allowances are available to be deducted for compliance with a unit's NO_x budget emissions limitation for a control period in a given year only if the NO_x allowances—

(I) Were allocated for a control period in a prior year or the same year; and

(II) Are held in the unit's compliance account, or the overdraft account of the source where the unit is located, as of the NO_x allowance transfer deadline for that control period or are transferred into the compliance account or overdraft account by a NO_x allowance transfer correctly submitted for recordation under paragraph (3)(G)1. of this rule by the NO_x allowance transfer deadline for that control period.

B. Deductions for compliance.

(I) Following the recordation, in accordance with paragraph (3)(G)2. of this rule, of NO_x allowance transfers submitted for recordation in the unit's compliance account or the overdraft account of the source where the unit is located by the NO_x allowance transfer deadline for a control period, the administrator will deduct NO_x allowances available under subparagraph (3)(F)5.A. of this rule to cover the unit's emissions (as determined in accordance with section (4) of this rule) for the control period—

(a) From the compliance account; and

(b) Only if no more NO_x allowances available under subparagraph (3)(F)5.A. of this rule remain in the compliance account, from the overdraft account. In deducting NO_x allowances for units at the source from the overdraft account, the administrator will begin with the unit having the compliance account with the lowest NO_x allowance tracking system account number and end with the unit hav-

ing the compliance account with the highest NO_x allowance tracking system account number (with account numbers sorted beginning with the left-most character and ending with the right-most character and the letter characters assigned values in alphabetical order and less than all numeric characters).

(II) The administrator will deduct NO_x allowances first under subpart (3)(F)5.B.(I)(a) of this rule and then under subpart (3)(F)5.B.(I)(b) of this rule—

(a) Until the number of NO_x allowances deducted for the control period equals the number of tons of emissions, determined in accordance with section (4) of this rule, from the unit for the control period for which compliance is being determined; or

(b) Until no more NO_x allowances available under subparagraph (3)(F)5.A. of this rule remain in the respective account.

C. Identification of NO_x allowances.

(I) Identification of NO_x allowances by serial number. The NO_x authorized account representative for each compliance account may identify by serial number the NO_x allowances to be deducted from the unit's compliance account under subparagraph (3)(F)5.B., D., or E. of this rule. Such identification shall be made in the compliance certification report submitted in accordance with paragraph (3)(D)1. of this rule.

(II) First-in, first-out. The administrator will deduct NO_x allowances for a control period from the compliance account, in the absence of an identification or in the case of a partial identification of NO_x allowances by serial number under part (3)(F)5.C.(I) of this rule, or the overdraft account on a first-in, first-out (FIFO) accounting basis in the following order:

(a) Those NO_x allowances that were allocated for the control period to the unit under subsection (3)(E) or (H) of this rule;

(b) Those NO_x allowances that were allocated for the control period to any unit and transferred and recorded in the account pursuant to subsection (3)(G) of this rule, in order of their date of recordation;

(c) Those NO_x allowances that were allocated for a prior control period to the unit under subsection (3)(E) or (H) of this rule; and

(d) Those NO_x allowances that were allocated for a prior control period to any unit and transferred and recorded in the account pursuant to subsection (3)(G) of this rule, in order of their date of recordation.

D. Deductions for excess emissions.

(I) After making the deductions for compliance under subparagraph (3)(F)5.B. of this rule, the administrator will deduct from the unit's compliance account or the overdraft account of the source where the unit is located a number of NO_x allowances, allocated for a control period after the control period in which the unit has excess emissions, equal to three (3) times the number of the unit's excess emissions.

(II) If the compliance account or overdraft account does not contain sufficient NO_x allowances, the administrator will deduct the required number of NO_x allowances, regardless of the control period for which they were allocated, whenever NO_x allowances are recorded in either account.

(III) Any NO_x allowance deduction required under subparagraph (3)(F)5.D. of this rule shall not affect the liability of the owners and operators of the NO_x budget unit for any fine, penalty, or assessment, or their obligation to comply with any other remedy, for the same violation, as ordered under the CAA or applicable state law. The following guidelines will be followed in assessing fines, penalties or other obligations:

(a) For purposes of determining the number of days of violation, if a NO_x budget unit has excess emissions for a control period, each day in the control period (one hundred fifty-three (153) days) constitutes a day in violation unless the owners and operators of the unit demonstrate that a lesser number of days should be considered; and

(b) Each ton of excess emissions is a separate violation.

E. Deductions for units sharing a common stack. In the case of units sharing a common stack and having emissions that are not separately monitored or apportioned in accordance with section (4) of this rule—

(I) The NO_x authorized account representative of the units may identify the percentage of NO_x allowances to be deducted from each such unit's compliance account to cover the unit's share of emissions from the common stack for a control period. Such identification shall be made in the compliance certification report submitted in accordance with paragraph (3)(D)1. of this rule; and

(II) Notwithstanding subpart (3)(F)5.B.(II)(a) of this rule, the administrator will deduct NO_x allowances for each such unit until the number of NO_x allowances deducted equals the unit's identified percentage (under part (3)(F)5.E.(I) of this rule) of the number of tons of emissions, as determined in accordance with section (4) of this rule, from the common stack for the control period for which compliance is being determined or, if no percentage is identified, an equal percentage for each such unit.

F. The administrator will record in the appropriate compliance account or overdraft account all deductions from such an account pursuant to subparagraph (3)(F)5.B., D., or E. of this rule.

6. Banking.

A. NO_x allowances may be banked for future use or transfer in a compliance account, an overdraft account, or a general account, as follows:

(I) Any NO_x allowance that is held in a compliance account, an overdraft account, or a general account will remain in such account unless and until the NO_x allowance is deducted or transferred under paragraphs (3)(D)2., (3)(F)5., (3)(F)7., subsection (3)(G), or subsection (3)(H) of this rule.

(II) The administrator will designate, as a "banked" NO_x allowance, any NO_x allowance that remains in a compliance account, an overdraft account, or a general account after the administrator has made all deductions for a given control period from the compliance account or overdraft account pursuant to paragraph (3)(F)5. of this rule and that was allocated for that control period or a control period in a prior year.

B. Each year starting in 2008, after the administrator has completed the designation of banked NO_x allowances under part (3)(F)6.A.(II) of this rule and before May 1 of the year, the administrator will determine the extent to which banked NO_x allowances may be used for compliance in the control period for the current year, as follows:

(I) The administrator will determine the total number of banked NO_x allowances held in compliance accounts, overdraft accounts, or general accounts.

(II) If the total number of banked NO_x allowances determined, under part (3)(F)6.B.(I) of this rule, to be held in compliance accounts, overdraft accounts, or general accounts is less than or equal to ten percent (10%) of the sum of the state trading program NO_x budgets for the control period for the states in which NO_x budget units are located, any banked NO_x allowance may be deducted for compliance in accordance with paragraph (3)(F)5. of this rule.

(III) If the total number of banked NO_x allowances determined, under part (3)(F)6.B.(I) of this rule, to be held in compliance accounts, overdraft accounts, or general accounts exceeds ten percent (10%) of the sum of the state trading program NO_x budgets for the control period for the states in which NO_x budget units are located, any banked NO_x allowance may be deducted for compliance in accordance with paragraph (3)(F)5. of this rule, except as follows:

(a) The administrator will determine the following ratio: 0.10 multiplied by the sum of the state trading program NO_x budgets for the control period for the states in which NO_x budget units are located and divided by the total number of banked NO_x allowances determined, under part (3)(F)6.B.(I) of this rule, to be held in compliance accounts, overdraft accounts, or general accounts.

(b) The administrator will multiply the number of banked NO_x allowances in each compliance account or overdraft

account. The resulting product is the number of banked NO_x allowances in the account that may be deducted for compliance in accordance with paragraph (3)(F)5. of this rule. Any banked NO_x allowances in excess of the resulting product may be deducted for compliance in accordance with paragraph (3)(F)5. of this rule, except that, if such NO_x allowances are used to make a deduction, two (2) such NO_x allowances must be deducted for each deduction of one (1) NO_x allowance required under paragraph (3)(F)5. of this rule.

C. Any NO_x budget unit may reduce its NO_x emission rate in the 2002 through the 2006 control period, the owner or operator of the unit may request early reduction credits, and the permitting authority may allocate NO_x allowances in 2007 to the unit in accordance with the following requirements:

(I) Each NO_x budget unit for which the owner or operator requests any early reduction credits under part (3)(F)6.C.(IV) of this rule shall monitor emissions in accordance with section (4) of this rule starting prior to the first control period for which ERCs are requested and for each control period for which such early reduction credits are requested. The unit's monitoring system availability shall be not less than ninety percent (90%) during the applicable control period, and the unit must be in compliance with any applicable state or federal emissions or emissions-related requirements;

(II) NO_x emission rate and heat input under part (3)(F)6.C.(III) through (V) of this rule shall be determined in accordance with section (4) of this rule;

(III) Each NO_x budget unit for which the owner or operator requests any early reduction credits under part (3)(F)6.C.(IV) of this rule shall reduce its NO_x emission rate, for each control period for which early reduction credits are requested, to:

(a) Less than 0.25 lb/mmBtu in the years 2002 and 2003;

(b) Less than 0.25 lb/mmBtu in the years 2004 and 2005 for sources located in an area listed in subsection (1)(A) other than the City of St. Louis and the counties of Franklin, Jefferson, and St. Louis; or

(c) Less than 0.18 lb/mmBtu in the years 2004 through 2006 for sources located in the City of St. Louis and the counties of Franklin, Jefferson, and St. Louis.

(d) The calculation of early reduction credits in any year from 2002 through 2006 must be below any applicable limitation, which is more stringent than the requirements of subparts (a) through (c) of this part.

(IV) The NO_x authorized account representative of a NO_x budget unit that meets the requirements of part (3)(F)6.C.(I) and (III) of this rule may submit to the director a request for early reduction credits for the unit based on NO_x emission rate reductions made by the unit in the control period for 2002 or 2006 in accordance with part (3)(F)6.C.(III) of this rule.

(a) In the early reduction credit request, the NO_x authorized account representative may request early reduction credits for such control period in an amount equal to the unit's heat input for such control period multiplied by the difference between the applicable NO_x emission rate in part (3)(F)6.C.(III) of this rule and the unit's NO_x emission rate rounded to the nearest ton.

(b) The early reduction credit request must be submitted, in a format specified by the director, by October 31 of the year in which the NO_x emission rate reductions on which the request is based are made or such later date approved by the permitting authority;

(V) The director will allocate NO_x allowances, to NO_x budget units meeting the requirements of part (3)(F)6.C.(I) and (III) of this rule and covered by early reduction requests meeting the requirements of subpart (3)(F)6.C.(IV)(b) of this rule, in accordance with the following procedures:

(a) Upon receipt of each early reduction credit request, the director will accept the request only if the requirements of parts (3)(F)6.C.(I), (III), and subpart (3)(F)6.C.(IV)(b) of this rule are

met and, if the request is accepted, will make any necessary adjustments to the request to ensure that the amount of the early reduction credits requested meets the requirement of parts (3)(F)6.C.(II) and (IV) of this rule;

(b) The director will allocate not more than five thousand six hundred thirty (5,630) ERCs over the period from 2002 through 2006, as follows:

I. The director will allocate not more than one-half (1/2) of the total ERCs in the years 2002 and 2003;

II. The director will allocate not more than one-half (1/2) of the total ERCs in the years 2004 and 2005; and

III. The director will allocate any remaining allowances during the year 2006;

(c) If the number of ERC allowances requested for a reduction achieved in a given control period from 2002 through 2006 is less than the number of ERCs to be distributed in accordance with the requirements of part (b) of this subparagraph, the director will allocate to each budget EGU one (1) allowance for each accepted ERC requested; and

(d) If the number of ERC allowances requested for a reduction achieved in a given control period from 2002 through 2006 is greater than the number of ERCs to be distributed in accordance with the requirements of part (b) of this subparagraph, the director will allocate to each budget EGU allowances for accepted requests on a pro rata basis;

(VI) The director will submit to the administrator the allocations of NO_x allowances determined under part (3)(F)6.C.(V) of this rule by the dates listed in subparts (a) and (b) of this part. The administrator will record such allocations to the extent that they are consistent with the requirements of parts (3)(F)6.C.(I) through (V) of this rule:

(a) For the years 2002 and 2003, the director will submit NO_x allowances on or before April 1, 2006;

(b) For the years 2004 through 2006, the director will submit NO_x allowances on or before April 1, 2007;

(VII) NO_x allowances recorded under part (3)(F)6.C.(VI) of this rule may be deducted for compliance under paragraph (3)(F)5. of this rule for the control periods in 2007 or 2008. Notwithstanding subparagraph (3)(F)6.A. of this rule, the administrator will deduct as retired any NO_x allowance that is recorded under part (3)(F)6.C.(VI) of this rule and is not deducted for compliance in accordance with paragraph (3)(F)5. of this rule for the control period in 2007 or 2008; and

(VIII) NO_x allowances recorded under part (3)(F)6.C.(VI) of this rule are not treated as banked NO_x allowances in 2007, and are treated as banked allowances in 2008, for the purposes of subparagraphs (3)(A)3., (3)(A)4. and (3)(A)5. of this rule.

7. Account error. The administrator may, at his or her sole discretion and on his or her own motion, correct any error in any NO_x allowance tracking system account. Within ten (10) business days of making such correction, the administrator will notify the NO_x authorized account representative for the account.

8. Closing of general accounts.

A. The NO_x authorized account representative of a general account may instruct the administrator to close the account by submitting a statement requesting deletion of the account from the NO_x allowance tracking system and by correctly submitting for recordation under paragraph (3)(G)1. of this rule a NO_x allowance transfer of all NO_x allowances in the account to one (1) or more other NO_x allowance tracking system accounts.

B. If a general account shows no activity for a period of a year or more and does not contain any NO_x allowances, the administrator may notify the NO_x authorized account representative for the account that the account will be closed and deleted from the NO_x allowance tracking system following twenty (20) business days after the notice is sent. The account will be closed after the twenty (20)-day period unless before the end of the twenty (20)-day period the administrator receives a correctly submitted transfer of NO_x allowances into the

account under paragraph (3)(G)1. of this rule or a statement submitted by the NO_x authorized account representative demonstrating to the satisfaction of the administrator good cause as to why the account should not be closed.

(H) *Reserved*

(4) Reporting and Record Keeping.

(A) General Requirements. The owners and operators, and to the extent applicable, the NO_x authorized account representative of a NO_x budget unit, shall comply with the monitoring and reporting requirements as provided in this rule and in subpart H of 40 CFR part 75. For purposes of complying with such requirements, the definitions in section (2) of this rule and in 40 CFR 72.2 shall apply, and the terms "affected unit," "designated representative," and "continuous emission monitoring system" (or "CEMS") in 40 CFR 75 shall be replaced by the terms "NO_x budget unit," "NO_x authorized account representative," and "continuous emission monitoring system" (or "CEMS"), respectively, as defined in section (2) of this rule.

1. Requirements for installation, certification, and data accounting. The owner or operator of each NO_x budget unit must meet the following requirements:

A. Install all monitoring systems required under section (4) for monitoring mass. This includes all systems required to monitor NO_x emission rate, concentration, heat input, and flow, in accordance with 40 CFR 75.72 and 75.76;

B. Install all monitoring systems for monitoring heat input, if required under subsection (4)(G) of this rule for developing NO_x allowance allocations;

C. Successfully complete all certification tests required under subsection (4)(B) of this rule and meet all other provisions of this rule and 40 CFR 75 applicable to the monitoring systems under subparagraphs (4)(A)1.A. and B. of this rule; and

D. Record, and report data from the monitoring systems under subparagraphs (4)(A)1.A. and B. of this rule.

2. Compliance dates. The owner or operator must meet the requirements of subparagraphs (4)(A)1.A. through C. of this rule on or before the following dates and must record and report data on and after the following dates:

A. NO_x budget units for which the owner or operator intends to apply for early reduction credits under subparagraph (3)(F)6.C. of this rule must comply with the requirements of section (4) of this rule by May 1, 2006;

B. Except for NO_x budget units under subparagraphs (4)(A)2.A. of this rule, NO_x budget units under section (1) of this rule that commence operation before January 1, 2006, must comply with the requirements of section (4) of this rule by May 1, 2006;

C. NO_x budget units under section (1) of this rule that commence operation on or after January 1, 2006 and that report on an annual basis under paragraph (4)(E)4. of this rule must comply with the requirements of section (4) of this rule by the later of the following dates:

(I) May 1, 2006; or

(II) The earlier of:

(a) One hundred eighty (180) days after the date on which the unit commences operation; or

(b) For units under paragraph (1)(B)1. of this rule, ninety (90) days after the date on which the unit commences commercial operation;

D. NO_x budget units under section (1) of this rule that commence operation on or after January 1, 2006 and that report on a control season basis under paragraph (4)(E)4. of this rule must comply with the requirements of section (4) of this rule by the later of the following dates:

(I) The earlier of:

(a) One hundred eighty (180) days after the date on which the unit commences operation; or

(b) For units under paragraph (1)(B)1. of this rule, ninety (90) days after the date on which the unit commences commercial operation;

(II) However, if the applicable deadline under part (4)(A)2.D.(I) of this rule does not occur during a control period, May 1, immediately following the date determined in accordance with part (4)(A)2.D.(I) of this rule;

E. For a NO_x budget unit with a new stack or flue for which construction is completed after the applicable deadline under subparagraphs (4)(A)2.A., B., or C. or subsection (3)(H) of this rule:

(I) Ninety (90) days after the date on which emissions first exit to the atmosphere through the new stack or flue;

(II) However, if the unit reports on a control season basis under paragraph (4)(E)4. of this rule and the applicable deadline under part (4)(A)2.E.(I) of this rule does not occur during the control period, May 1 immediately following the applicable deadline in part (4)(A)2.E.(I) of this rule.

3. Reporting data prior to initial certification.

A. The owner or operator of a NO_x budget unit that misses the certification deadline under subparagraph (4)(A)2.A. of this rule is not eligible to apply for early reduction credits. The owner or operator of the unit becomes subject to the certification deadline under subparagraph (4)(A)2.B. of this rule.

B. The owner or operator of a NO_x budget unit under subparagraph (4)(A)2.C. or D. of this rule must determine, record and report mass, heat input (if required for purposes of allocations) and any other values required to determine mass (e.g. NO_x emission rate and heat input or concentration and stack flow) using the provisions of 40 CFR 75.70(g), from the date and hour that the unit starts operating until all required certification tests are successfully completed.

4. Prohibitions.

A. No owner or operator of a NO_x budget unit or a non-NO_x budget unit monitored under 40 CFR 75.72(b)(2)(ii) shall use any alternative monitoring system, alternative reference method, or any other alternative for the required continuous emission monitoring system without having obtained prior written approval in accordance with subsection (4)(F) of this rule.

B. No owner or operator of a NO_x budget unit or a non-NO_x budget unit monitored under 40 CFR 75.72(b)(2)(ii) shall operate the unit so as to discharge, or allow to be discharged, emissions to the atmosphere without accounting for all such emissions in accordance with the applicable provisions of section (4) of this rule and 40 CFR 75 except as provided for in 40 CFR 75.74.

C. No owner or operator of a NO_x budget unit or a non-NO_x budget unit monitored under 40 CFR 75.72(b)(2)(ii) shall disrupt the continuous emission monitoring system, any portion thereof, or any other approved emission monitoring method, and thereby avoid monitoring and recording mass emissions discharged into the atmosphere, except for periods of recertification or periods when calibration, quality assurance testing, or maintenance is performed in accordance with the applicable provisions of section (4) of this rule and 40 CFR 75 except as provided for in 40 CFR 75.74.

D. No owner or operator of a NO_x budget unit or a non-NO_x budget unit monitored under 40 CFR 75.72(b)(2)(ii) shall retire or permanently discontinue use of the continuous emission monitoring system, any component thereof, or any other approved emission monitoring system under section (4) of this rule, except under any one (1) of the following circumstances:

(I) During the period that the unit is covered by a retired unit exemption under subsection (1)(E) of this rule that is in effect;

(II) The owner or operator is monitoring emissions from the unit with another certified monitoring system approved, in accordance with the applicable provisions of section (4) and 40 CFR 75, by the director for use at that unit that provides emission data for the same pollutant or parameter as the retired or discontinued monitoring system; or

(III) The NO_x authorized account representative submits notification of the date of certification testing of a replacement mon-

itoring system in accordance with subparagraph (4)(B)2.B. of this rule.

(B) Initial Certification and Recertification Procedures.

1. The owner or operator of a NO_x budget unit that is subject to an acid rain emissions limitation shall comply with the initial certification and recertification procedures of 40 CFR 75, except that:

A. If, prior to January 1, 2005, the administrator approved a petition under 40 CFR 75.17(a) or (b) for apportioning the NO_x emission rate measured in a common stack or a petition under 40 CFR 75.66 for an alternative to a requirement in 40 CFR 75.17, the NO_x authorized account representative shall resubmit the petition to the administrator under paragraph (4)(F)1. of this rule to determine if the approval applies under the NO_x budget trading program.

B. For any additional CEMS required under the common stack provisions in 40 CFR 75.72, or for any concentration CEMS used under the provisions of 40 CFR 75.71(a)(2), the owner or operator shall meet the requirements of paragraph (4)(B)2. of this rule.

2. The owner or operator of a NO_x budget unit that is not subject to an acid rain emissions limitation shall comply with the following initial certification and recertification procedures, except that the owner or operator of a unit that qualifies to use the low mass emissions excepted monitoring methodology under 40 CFR 75.19 shall also meet the requirements of paragraph (4)(B)3. of this rule and the owner or operator of a unit that qualifies to use an alternative monitoring system under subpart E of 40 CFR 75 shall also meet the requirements of paragraph (4)(B)4. of this rule. The owner or operator of a NO_x budget unit that is subject to an acid rain emissions limitation, but requires additional CEMS under the common stack provisions in 40 CFR 75.72, or that uses a concentration CEMS under 40 CFR 75.71(a)(2) also shall comply with the following initial certification and recertification procedures.

A. Requirements for initial certification. The owner or operator shall ensure that each monitoring system required by subpart H of 40 CFR 75 (which includes the automated data acquisition and handling system) successfully completes all of the initial certification testing required under 40 CFR 75.20. The owner or operator shall ensure that all applicable certification tests are successfully completed by the deadlines specified in paragraph (4)(A)2. of this rule. In addition, whenever the owner or operator installs a monitoring system in order to meet the requirements of this rule in a location where no such monitoring system was previously installed, initial certification according to 40 CFR 75.20 is required.

B. Requirements for recertification. Whenever the owner or operator makes a replacement, modification, or change in a certified monitoring system that the administrator or the director determines significantly affects the ability of the system to accurately measure or record mass emissions or heat input or to meet the requirements of 40 CFR 75.21 or Appendix B to 40 CFR 75, the owner or operator shall recertify the monitoring system according to 40 CFR 75.20(b). Furthermore, whenever the owner or operator makes a replacement, modification, or change to the flue gas handling system or the unit's operation that the administrator or the director determines to significantly change the flow or concentration profile, the owner or operator shall recertify the continuous emissions monitoring system according to 40 CFR 75.20(b). Examples of changes which require recertification include: replacement of the analyzer, change in location or orientation of the sampling probe or site, or changing of flow rate monitor polynomial coefficients.

C. Certification approval process for initial certifications and recertification.

(I) Notification of certification. The NO_x authorized account representative shall submit to the appropriate EPA regional office and the permitting authority a written notice of the dates of certification in accordance with subsection (4)(D) of this rule.

(II) Certification application. The NO_x authorized account representative shall submit to the director a certification application for each monitoring system required under subpart H of 40 CFR 75.

A complete certification application shall include the information specified in subpart H of 40 CFR 75.

(III) Except for units using the low mass emission excepted methodology under 40 CFR 75.19, the provisional certification date for a monitor shall be determined using the procedures set forth in 40 CFR 75.20(a)(3). A provisionally certified monitor may be used under the NO_x budget trading program for a period not to exceed one hundred twenty (120) days after receipt by the director of the complete certification application for the monitoring system or component thereof under part (4)(B)2.C.(II) of this rule. Data measured and recorded by the provisionally certified monitoring system or component thereof, in accordance with the requirements of 40 CFR 75, will be considered valid quality-assured data (retroactive to the date and time of provisional certification), provided that the director does not invalidate the provisional certification by issuing a notice of disapproval within one hundred twenty (120) days of receipt of the complete certification application by the director.

(IV) Certification application formal approval process. The director will issue a written notice of approval or disapproval of the certification application to the owner or operator within one hundred twenty (120) days of receipt of the complete certification application under part (4)(B)2.C.(II) of this rule. In the event the permitting authority does not issue such a notice within such one hundred twenty (120)-day period, each monitoring system which meets the applicable performance requirements of 40 CFR 75 and is included in the certification application will be deemed certified for use under the NO_x budget trading program.

(a) Approval notice. If the certification application is complete and shows that each monitoring system meets the applicable performance requirements of 40 CFR 75, then the director will issue a written notice of approval of the certification application within one hundred twenty (120) days of receipt.

(b) Incomplete application notice. A certification application will be considered complete when all of the applicable information required to be submitted under part (4)(B)2.C.(II) of this rule has been received by the director. If the certification application is not complete, then the director will issue a written notice of incompleteness that sets a reasonable date by which the NO_x authorized account representative must submit the additional information required to complete the certification application. If the NO_x authorized account representative does not comply with the notice of incompleteness by the specified date, then the director may issue a notice of disapproval under subpart (4)(B)2.C.(IV)(c) of this rule.

(c) Disapproval notice. If the certification application shows that any monitoring system or component thereof does not meet the performance requirements of this rule, or if the certification application is incomplete and the requirement for disapproval under subpart (4)(B)2.C.(IV)(b) of this rule has been met, the director will issue a written notice of disapproval of the certification application. Upon issuance of such notice of disapproval, the provisional certification is invalidated by the director and the data measured and recorded by each uncertified monitoring system or component thereof shall not be considered valid quality-assured data beginning with the date and hour of provisional certification. The owner or operator shall follow the procedures for loss of certification in part (4)(B)2.C.(V) of this rule for each monitoring system or component thereof which is disapproved for initial certification.

(d) Audit decertification. The director may issue a notice of disapproval of the certification status of a monitor in accordance with paragraph (4)(C)2. of this rule.

(V) Procedures for loss of certification. If the permitting authority issues a notice of disapproval of a certification application under subpart (4)(B)2.C.(IV)(c) of this rule or a notice of disapproval of certification status under subpart (4)(B)2.C.(IV)(d) of this rule, then—

(a) The owner or operator shall substitute the following values, for each hour of unit operation during the period of invalid data beginning with the date and hour of provisional certification and

continuing until the time, date, and hour specified under 40 CFR 75.20(a)(5)(i):

I. For units using or intending to monitor for NO_x emission rate and heat input or for units using the low mass emission excepted methodology under 40 CFR 75.19, the maximum potential NO_x emission rate and the maximum potential hourly heat input of the unit; and

II. For units intending to monitor for mass emissions using a pollutant concentration monitor and a flow monitor, the maximum potential concentration of and the maximum potential flow rate of the unit under section 2.1 of Appendix A of 40 CFR 75;

(b) The NO_x authorized account representative shall submit a notification of certification retest dates and a new certification application in accordance with parts (4)(B)2.C.(I) and (II) of this rule; and

(c) The owner or operator shall repeat all certification tests or other requirements that were failed by the monitoring system, as indicated in the director's notice of disapproval, no later than thirty (30) unit operating days after the date of issuance of the notice of disapproval.

3. Initial certification and recertification procedures for low mass emission units using the excepted methodologies under 40 CFR 75.19. The owner or operator of a gas-fired or oil-fired unit using the low mass emissions excepted methodology under 40 CFR 75.19 shall meet the applicable general operating requirements of 40 CFR 75.10, the applicable requirements of 40 CFR 75.19, and the applicable certification requirements of subsection (4)(B) of this rule, except that the excepted methodology shall be deemed provisionally certified for use under the NO_x budget trading program, as of the following dates:

A. For units that are reporting on an annual basis under paragraph (4)(E)4. of this rule—

(I) For a unit that commenced operation before its compliance deadline under paragraph (4)(B)2. of this rule, from January 1 of the year following submission of the certification application for approval to use the low mass emissions excepted methodology under 40 CFR 75.19 until the completion of the period for the director review; or

(II) For a unit that commenced operation after its compliance deadline under paragraph (4)(B)2. of this rule, the date of submission of the certification application for approval to use the low mass emissions excepted methodology under 40 CFR 75.19 until the completion of the period for director review; or

B. For units that are reporting on a control period basis under part (4)(E)2.C.(II) of this rule:

(I) For a unit that commenced operation before its compliance deadline under paragraph (4)(B)2. of this rule, where the certification application is submitted before May 1, from May 1 of the year of the submission of the certification application for approval to use the low mass emissions excepted methodology under 40 CFR 75.19 until the completion of the period for the director review;

(II) For a unit that commenced operation before its compliance deadline under paragraph (4)(B)2. of this rule, where the certification application is submitted after May 1, from May 1 of the year following submission of the certification application for approval to use the low mass emissions excepted methodology under 40 CFR 75.19 until the completion of the period for the director review; or

(III) For a unit that commences operation after its compliance deadline under paragraph (4)(B)2. of this rule, where the unit commences operation before May 1, from May 1 of the year that the unit commenced operation, until the completion of the period for the director's review; or

(IV) For a unit that has not operated after its compliance deadline under paragraph (4)(B)2. of this rule, where the certification application is submitted after May 1, but before October 1, from the date of submission of a certification application for approval to use the low mass emissions excepted methodology under 40 CFR 75.19 until the completion of the period for the director's review.

4. Certification/recertification procedures for alternative monitoring systems. The NO_x authorized account representative representing the owner or operator of each unit applying to monitor using an alternative monitoring system approved by the administrator and, if applicable, the director under subpart E of 40 CFR 75 shall apply for certification to the permitting authority prior to use of the system under the trading program. The NO_x authorized account representative shall apply for recertification following a replacement, modification or change according to the procedures in paragraph (4)(B)2. of this rule. The owner or operator of an alternative monitoring system shall comply with the notification and application requirements for certification according to the procedures specified in subparagraph (4)(B)2.C. of this rule and 40 CFR 75.20(f).

(E) Record Keeping and Reporting.

1. General provisions.

A. The NO_x authorized account representative shall comply with all record keeping and reporting requirements in this section and with the requirements of subparagraph (3)(B)1.E. of this rule.

B. If the NO_x authorized account representative for a NO_x budget unit subject to an acid rain emission limitation who signed and certified any submission that is made under subpart F or G of 40 CFR 75 and which includes data and information required under section (4) of this rule or subpart H of 40 CFR 75 is not the same person as the designated representative or the alternative designated representative for the unit under 40 CFR 72, the submission must also be signed by the designated representative or the alternative designated representative.

2. Monitoring plans.

A. The owner or operator of a unit subject to an acid rain emissions limitation shall comply with requirements of 40 CFR 75.62, except that the monitoring plan shall also include all of the information required by subpart H of 40 CFR 75.

B. The owner or operator of a unit that is not subject to an acid rain emissions limitation shall comply with requirements of 40 CFR 75.62, except that the monitoring plan is only required to include the information required by subpart H of 40 CFR 75.

3. Certification applications. The NO_x authorized account representative shall submit an application to the permitting authority within forty-five (45) days after completing all initial certification or recertification tests required under subsection (4)(B) of this rule including the information required under subpart H of 40 CFR 75.

4. Quarterly reports. The NO_x authorized account representative shall submit quarterly reports, as follows:

A. If a unit is subject to an acid rain emission limitation or if the owner or operator of the NO_x budget unit chooses to meet the annual reporting requirements of section (4) of this rule, the NO_x authorized account representative shall submit a quarterly report for each calendar quarter beginning with:

(I) For units that elect to comply with the early reduction credit provisions under paragraph (3)(F)6. of this rule, the calendar quarter that includes the date of initial provisional certification under part (4)(B)2.C.(III) of this rule. Data shall be reported from the date and hour corresponding to the date and hour of provisional certification;

(II) For units commencing operation prior to May 1, 2006 that are not required to certify monitors by May 1, 2005 under subparagraph (4)(A)2.A. of this rule, the earlier of the calendar quarter that includes the date of initial provisional certification under part (4)(B)2.C.(III) of this rule or, if the certification tests are not completed by May 1, 2006, the partial calendar quarter from May 1, 2006 through June 30, 2006. Data shall be recorded and reported from the earlier of the date and hour corresponding to the date and hour of provisional certification or the first hour on May 1, 2006; or

(III) For a unit that commences operation after May 1, 2006, the calendar quarter in which the unit commences operation. Data shall be reported from the date and hour corresponding to when the unit commenced operation.

B. If a NO_x budget unit is not subject to an acid rain emission limitation, then the NO_x authorized account representative shall either:

(I) Meet all of the requirements of 40 CFR 75 related to monitoring and reporting mass emissions during the entire year and meet the reporting deadlines specified in subparagraph (4)(E)4.A. of this rule; or

(II) Submit quarterly reports only for the periods from the earlier of May 1 or the date and hour that the owner or operator successfully completes all of the recertification tests required under 40 CFR 75.74(d)(3) through September 30 of each year in accordance with the provisions of 40 CFR 75.74(b). The NO_x authorized account representative shall submit a quarterly report for each calendar quarter, beginning with:

(a) For units that elect to comply with the early reduction credit provisions under paragraph (3)(F)6. of this rule, the calendar quarter that includes the date of initial provisional certification under part (4)(B)2.C.(III) of this rule. Data shall be reported from the date and hour corresponding to the date and hour of provisional certification;

(b) For units commencing operation prior to May 1, 2006 that are not required to certify monitors by May 1, 2005 under subparagraph (4)(A)2.A. of this rule, the earlier of the calendar quarter that includes the date of initial provisional certification under part (4)(B)2.C.(III) of this rule, or if the certification tests are not completed by May 1, 2006, the partial calendar quarter from May 1, 2006 through June 30, 2006. Data shall be reported from the earlier of the date and hour corresponding to the date and hour of provisional certification or the first hour of May 1, 2006;

(c) For units that commence operation after May 1, 2006 during the control period, the calendar quarter in which the unit commences operation. Data shall be reported from the date and hour corresponding to when the unit commenced operation;

(d) For units that commence operation after May 1, 2006 and before May 1 of the year in which the unit commences operation, the earlier of the calendar quarter that includes the date of initial provisional certification under part (4)(B)2.C.(III) of this rule or, if the certification tests are not completed by May 1 of the year in which the unit commences operation, May 1 of the year in which the unit commences operation. Data shall be reported from the earlier of the date and hour corresponding to the date and hour of provisional certification or the first hour of May 1 of the year after the unit commences operation; or

(e) For units that commence operation after May 1, 2006 and after September 30 of the year in which the unit commences operation, the earlier of the calendar quarter that includes the date of initial provisional certification under part (4)(B)2.C.(III) of this rule or, if the certification tests are not completed by May 1 of the year after the unit commences operation, May 1 of the year after the unit commences operation. Data shall be reported from the earlier of the date and hour corresponding to the date and hour of provisional certification or the first hour of May 1 of the year after the unit commences operation.

C. The NO_x authorized account representative shall submit each quarterly report to the administrator within thirty (30) days following the end of the calendar quarter covered by the report. Quarterly reports shall be submitted in the manner specified in subpart H of 40 CFR 75 and 40 CFR 75.64.

(I) For units subject to an acid rain emissions limitation, quarterly reports shall include all of the data and information required in subpart H of 40 CFR 75 for each NO_x budget unit (or group of units using a common stack) as well as information required in subpart G of 40 CFR 75.

(II) For units not subject to an acid rain emissions limitation, quarterly reports are only required to include all of the data and information required in subpart H of 40 CFR 75 for each NO_x budget unit (or group of units using a common stack).

D. Compliance certification. The NO_x authorized account representative shall submit to the administrator a compliance certification in support of each quarterly report based on reasonable inquiry of those persons with primary responsibility for ensuring that all of the unit's emissions are correctly and fully monitored. The certification shall state that:

(I) The monitoring data submitted were recorded in accordance with the applicable requirements of this rule and 40 CFR 75, including the quality assurance procedures and specifications;

(II) For a unit with add-on emission controls and for all hours where data are substituted in accordance with 40 CFR 75.34(a)(1), the add-on emission controls were operating within the range of parameters listed in the monitoring plan and the substitute values do not systematically underestimate emissions; and

(III) For a unit that is reporting on a control period basis under paragraph (4)(E)4. of this rule, the NO_x emission rate and concentration values substituted for missing data under subpart D of 40 CFR 75 are calculated using only values from a control period and do not systematically underestimate emissions.

REVISED PRIVATE COST: This proposed rule will cost private entities an estimated \$316,712,000 over the life of the rule. Note the attached fiscal note for assumptions that apply.

**REVISED FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 10 - Department of Natural Resources

Division: 10 - Air Conservation Commission

Chapter: 6- Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution

Type of Rulemaking: Proposed Rule

Rule Number and Name: 10 CSR 10-6.360 Control of NO_x Emissions from Electric Generating Units and Non-Electric Generating Boilers

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
3	Electric generating facilities	\$314,712,000
2	Large industrial boilers	\$ 2,000,000
	Total	\$316,712,000

III. WORKSHEET

Table 1: Electric Generating Units with Allowance Allocations

Facility Name	Fiscal year 2007	Fiscal Year 2008	Fiscal Years beyond 2008	Aggregate Cost
Labadie	\$800,000	\$2,000,000	\$800,000	\$18,800,000
Labadie	\$638,400	\$1,596,000	\$638,400	\$15,002,400
Labadie	\$408,000	\$1,020,000	\$408,000	\$9,588,000
Labadie	\$524,800	\$1,312,000	\$524,800	\$12,332,800
Meramec	\$377,600	\$944,000	\$377,600	\$8,873,600
Meramec	\$424,000	\$1,060,000	\$424,000	\$9,964,000
Meramec	\$889,600	\$2,224,000	\$889,600	\$20,905,600
Meramec	\$910,400	\$2,276,000	\$910,400	\$21,394,400
Meramec	\$1,350,400	\$3,376,000	\$1,350,400	\$31,734,400
New Madrid Power Plant	\$1,472,000	\$3,680,000	\$1,472,000	\$34,592,000
New Madrid Power Plant	\$1,467,200	\$3,668,000	\$1,467,200	\$34,479,200
Rush Island	\$531,200	\$1,328,000	\$531,200	\$12,483,200
Rush Island	\$598,400	\$1,496,000	\$598,400	\$14,062,400
Sioux	\$1,412,800	\$3,532,000	\$1,412,800	\$33,200,800
Sioux	\$1,073,600	\$2,684,000	\$1,073,600	\$25,229,600
Ameren Viaduct	\$4,800	\$12,000	\$4,800	\$112,800
Ameren Howard Bend CT	\$1,600	\$4,000	\$1,600	\$37,600
Southcast Missouri State	\$1,600	\$4,000	\$1,600	\$37,600
City of Sikeston*	\$505,600	\$1,264,000	\$505,600	\$11,881,600
Total	\$13,392,000	\$33,480,000	\$13,392,000	\$314,712,000

Table 2: Industrial Boilers with Allowance Allocations

Facility Name	Aggregate Cost
Anheuser Busch	\$2,000,000
Trigen Ashley Street Station	\$0
Trigen Ashley Street Station	\$0

IV. ASSUMPTIONS

1. For the convenience of calculating this fiscal note over a reasonable time frame, the life of the rule is assumed to be ten (10) years although the duration of the rule is indefinite. If the life of the rule extends beyond ten years, the annual costs for the additional years will be consistent with the assumptions used to calculate annual costs as identified in this fiscal note.
2. Cost estimates are based on NO_x allowance price of \$4,000 per NO_x of allowance for both electric utilities and large industrial boilers. Because the price of NO_x allowances fluctuates, \$4,000 represents the worst case scenario in recent trading. Although, the price of allowances reached as high as \$8,000 in early 2003, the price of allowance has dropped to \$2,000–\$3,000 range in 2004.
3. No additional cost is expected to incur as a result of monitoring and recordkeeping requirements. The assumption is that sources are already conducting monitoring or recordkeeping based on existing requirements for NO_x controls.
4. The department projects that 7,500 tons of NO_x reduction is required per ozone season starting 2007.
5. The date on which affected electric generating units must be in compliance with this regulation is May 1, 2007.
6. NO_x reductions are only required during the control period which is May 1 through September 30.
7. The emission limitation of the large industrial boilers is above the actual emissions of these units in 2003. Thus no additional costs are expected.
8. Anheuser-Busch has supplied the department with an estimated \$2,000,000 compliance cost. This was assumed to be a one time capital cost.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling
and Reference Methods and Air Pollution Control
Regulations for the Entire State of Missouri

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission adopts a rule as follows:

10 CSR 10-6.380 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 15, 2005 (30 MoReg 549–552). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received comments from the U.S. Environmental Protection Agency (EPA), Continental Cement Company (CCC), Holcim Inc., and Continental Cement Company on behalf of all of Missouri's affected kilns. These comments were both technical and administrative in nature. EPA commented on emission rates, monitoring requirements, record keeping requirements, exemptions, and timing issues. CCC commented for themselves and on behalf of all of Missouri's affected kilns in support of the rule as proposed.

COMMENT: EPA commented that section (1) in determining applicability by kiln type, the department states process rates in tons per hour. The process rate should specify tons of clinker per hour.
RESPONSE AND EXPLANATION OF CHANGE: The department has amended section (1) to reflect the addition of the term—of clinker produced—as suggested.

COMMENT: EPA commented that in subsection (1)(B) the department proposes that the general provisions and reporting and record keeping requirements shall not apply during start-up, shutdown or malfunction conditions as defined in 10 CSR 10-6.050 as well as during regularly scheduled maintenance activities. Allowing an exemption during these periods may allow emissions from this sector to be higher than the expected thirty percent (30%) reduction deemed necessary to reduce the state's significant contribution to downwind nonattainment. The existing state rule 10 CSR 10-6.050 should be relied upon to determine if start-up, shutdown or malfunction conditions warrant an exemption. We view these exemptions in the rule to be an approvability issue.

Continental Cement Company commented on behalf of the cement kiln affected by this rulemaking, that the cement kilns affected by this rulemaking believe the inclusion of an exemption from the proposed requirements during start-up, shutdown and malfunction events is appropriate. This exemption is consistent with other similar federal and Missouri Air Quality Standards and is consistent with the terms of the NO_x Federal Implementation Plan (FIP) proposed by EPA in the October 21, 1998, *Federal Register*.

RESPONSE AND EXPLANATION OF CHANGE: The department has amended section (1) of the rule to remove the exemptions subsection. The department has also added subsection (3)(C) to the rule, which allows the director, pursuant to action under 10 CSR 10-6.050, the authority to remove excess NO_x emissions from compliance averaging as required under section (3) of the proposed rule. The department believes that this amendment captures the intent of the proposed rule while complying with EPA policy on this issue.

COMMENT: EPA commented that in paragraph (3)(A)4., the department proposes to allow sources the option of complying with

the rule by establishing an applicable emissions rate limitation that achieves a thirty percent (30%) reduction from uncontrolled levels. EPA agrees with this use of an emissions rate limit as an alternative but questions the emissions rate limits specified in the proposal. It was noted that three (3) of the four (4) limits were higher than those recommended by EPA. EPA considered two (2) sources of information to establish emissions rates that were reflective of the industry and took an average of the two (2) emission factors for each kiln type, one (1) from AP-42 and one (1) from the Alternative Control Techniques Document (EPA-453/R-94-004). MDNR needs to provide justification for its determination that the proposed emission rate limits are a better representation of controlled emissions than those provided by EPA. We view the use of the proposed emission rate limits as an approvability issue.

CCC commented that the emission rate of 6.8 pounds of NO_x per ton of clinker represents a significant, but achievable challenge to CCC. In the course of making a valid baseline demonstration for firing our kiln with coal, CCC provided test data that demonstrated an average NO_x reduction of forty-three percent (43%) by utilizing waste fuels as a NO_x control. Yet, with this reduction rate potential significantly higher than EPA's thirty percent (30%) goal, we find that our annual calculated average emission rates for NO_x/ton clinker were greater than 6.6 lbs/ton for the two (2) most recent production years, with the NO_x controls being utilized continuously. We believe that this demonstrates that MDNR has, indeed, calculated the proposed rate limits appropriately. Lowering the proposed rate below 6.8 would make it unachievable for our facility, even though we have demonstrated a significantly greater than mandated reduction in NO_x emissions.

It should also be noted that the technology options, low-NO_x burner, and mid-kiln firing represent a very problematic compliance dilemma for our plant. Both technologies reduce NO_x via a controlled, reducing atmosphere, inherently making compliance with our current CO limits a very serious situation. CCC is hopeful that acknowledgement of our successful NO_x emission reduction, exceeding the thirty percent (30%) goal, will help justify the appropriate approach MDNR made in establishing effective and proper rate limits for our source.

RESPONSE: The department established emission limits that are consistent with EPA's Alternative Control Techniques Document (EPA-453/R-94-004) or are more stringent. The department has contended since the beginning of the NO_x SIP Call process that it is inappropriate to average two (2) emission factors, which in themselves are an average of a wide range of emissions from a given kiln configuration. The department contended then and now contends that the EPA's methodology for determining emission rates for this industrial class is mathematically flawed. EPA made no significant attempt to weight emissions in a manner to determine an emission factor that was statistically significant. In addition, Missouri believes based on EPA's Alternative Control Techniques Document that Missouri's Portland cement kilns, based on stack test data provided as part of Missouri's demonstration document, have actual emission rates that are in the high range listed in the analysis done by EPA. Therefore, Missouri believes that the emission factors from the Alternative Control Techniques Document are more representative of Missouri's cement kilns than that of the emission factors in the AP-42 document that EPA relied on for averaging purposes. Missouri has further detailed this analysis in the NO_x SIP Call Budget Demonstration that was required as part of the NO_x SIP Call rulemaking. The department has not amended the proposed rulemaking in response to this comment.

COMMENT: Continental Cement Company commented on behalf of the cement kiln affected by this rulemaking, that the cement kilns affected by this rulemaking believe the department has very appropriately provided several options under which facilities can comply with the proposed requirements. We recognize that in structuring the compliance approach in this manner the department is providing the

affected facilities with significant operating flexibility while still accomplishing the NO_x reductions targeted by the proposed requirements. The proposed approaches are consistent with both neighboring states and the October 21, 1998 FIP and will allow Missouri cement kilns to remain competitive in the industry. Facilities will maintain flexibility in the future by having the ability to change compliance options should one option provide a more cost-effective means to comply than another. For example, a facility may find that one of the prescribed technologies (e.g. Low-NO_x Burners), or the prescribed emission rates, present the most cost-effective option for initial compliance. However, future opportunities may arise presenting a more cost effective option. Having the ability to change to an alternate control technology, or undertake a case-by-case study will provide facilities with the ability to take advantage of opportunities. We believe that, on the whole, the proposed general provisions will best serve both the objective of the requirements and the economy of the state.

Furthermore, we believe the department has appropriately arrived at the prescribed emission rates of 10 CSR 10-6.380(3)(A)4. It is our understanding that the department relied on NO_x emissions data from Missouri-specific kilns in determining these rates. This appears to be consistent with the approach taken by neighboring states. We believe this is appropriate because:

1) to some extent, it accounts for the site-specific influences that may effect NO_x emissions

2) it is derived directly from the NO_x emissions inventory established specifically for Missouri, and

3) it more accurately reflects the reduction in emissions targeted for the Missouri NO_x emissions inventory.

RESPONSE: The department agrees with this comment and has not amended the proposed rule in response.

COMMENT: EPA commented that in section (3), the department proposes that compliance with the emissions rate limit will be determined by comparing a source's emissions of NO_x per ton of clinker produced, averaged from May 1 to September 30, with the limit specified in the rule. EPA believes that the use of the entire ozone season to determine compliance could cause potential air quality problems by allowing a source to emit abnormally high levels of NO_x over an extended period of time. Although an emissions rate limit should allow some flexibility for the source to offset periods of higher emissions with periods of lower emissions, EPA believes the maximum allowable averaging time should be a rolling thirty (30)-day average. This measure will help to ensure the NO_x SIP call properly addresses the significant contribution of NO_x to downwind nonattainment from this sector as well as provide a reasonable compliance incentive. We view the use of ozone season averaging in determining compliance with an emissions rate to be an approvability issue.

Continental Cement Company commented on behalf of the cement kiln affected by this rulemaking, that the cement kilns affected by this rulemaking believe the MDNR has appropriately applied the compliance determination to the ozone season averaging period. We believe NO_x reduction goal proposed by EPA has openly and consistently been discussed as a seasonal goal, and that EPA should have expressed their concerns and provided an opportunity for dialogue during the stakeholders' meetings. Further, the proposed approach is consistent with requirements for competing sources in another region.

RESPONSE: The state of Illinois federally approved rule states: Section 217.402 Control Requirements

a) After May 30, 2004, an owner or operator of any cement kiln subject to the requirements of this Subpart shall not operate the kiln during the initial control period any subsequent control period, unless the owner or operator complies with subsection (a)(1), (a)(2), (a)(3), (a)(5) or (a)(6) of this Section for kilns that commenced operation prior to January 1, 1996 or subsection (a)(4) or (a)(6) of this Section for kilns that commenced operation on or after January 1, 1996.

1) The kiln is operated with a low-NO_x burner or mid-kiln firing system;

2) The kiln shall not exceed the applicable NO_x emission limitation in pounds per ton of clinker (lb/T), expressed in the rates listed below:

It is clear that the emission rates in (a)(2) of Illinois rule are averaged over the control season not a thirty (30)-day rolling average as proposed by EPA. Requiring Missouri to a more stringent emission averaging standard than that required of Illinois would result in Missouri's kilns being placed at a competitive disadvantage for this regulation. This is even more important due to the proximity of the kilns involved in the respective rulemaking. The Mississippi River being the only physical dividing line. In addition, EPA's standard for Portland cement kilns is based on an ozone seasonal emission. The department does not believe that an emission rate average of thirty (30) days is appropriate given that EPA's own emission budget is based on a one hundred fifty-three (153)-day period. Therefore, the department has not amended the proposed rule in response to this comment.

COMMENT: EPA commented that in section (3), the department is proposing to include as an alternative for compliance with this rule, case-by-case studies that would take into account energy, environmental, and economic costs in order to determine an emissions limitation to be achieved through the application of production processes or available methods, systems and techniques. Although EPA encourages innovative strategies to help reduce emissions, in this instance we believe this alternative to be impractical due to the limited amount of time remaining until the implementation date of May 1, 2007. For a source to make use of this method the study would have to be conducted, reviewed and approved by the state, adopted by EPA into the SIP, and readily available to implement prior to the control date. In the event a facility pursues this option and this alternative is not approved or available to be implemented by the implementation date then the facility will have to comply with one of the other specified alternatives available in this rulemaking.

RESPONSE: The department feels that this approach is practicable. A facility that wished to pursue this option has approximately two (2) years to conduct the study, have it approved, and install any necessary equipment. The department feels that this is adequate time given the level of involvement that this industry has had with the rulemaking process since 1997 when the department initiated work-group meetings. The department believes strongly that this regulatory option is not only achievable, but is vital to industry's compliance with this proposed rulemaking. The department has not amended the proposed rule in response to this comment.

COMMENT: EPA commented that in subsection (4)(C), the department has proposed monitoring requirements that require an initial performance test prior to May 1, 2007 and subsequent performance tests on a triennial basis for sources meeting the provisions required for an alternative control technology (3)(A)3., emissions rate (3)(A)4., or case by case study (3)(A)5. EPA believes that performance testing every three (3) years is not frequent enough to ensure compliance, and suggests annual testing for sources complying with low-NO_x burners or mid-kiln firing. Annual testing for these controls is adequate as they are not subject to as much uncertainty as some combustion controls. For sources complying using (3)(A)3., (3)(A)4., or (3)(A)5. of this rule, EPA believes that continuous emissions monitors (CEMS) are necessary for two (2) main reasons. For sources complying with (3)(A)3. and (3)(A)5. of this rule, EPA believes that these alternatives introduce more uncertainty as to their effectiveness of controlling NO_x emissions over the ozone season and CEMS provide certainty that these compliance strategies are achieving their desired result. Secondly, CEMS are needed to provide an accurate emissions estimate in order to determine compliance with

an emissions rate as specified in (3)(A)4. We view the use of triennial testing and lack of CEMS requirements to be an approvability issue.

Continental Cement Company commented on behalf of the cement kiln affected by this rulemaking, that the cement kilns affected by this rulemaking believe the MDNR has appropriately applied the monitoring requirements. The requirement for triennial testing is consistent with other testing requirements for the cement kiln industry, i.e., the Boiler and Industrial Furnace requirements, and the MACT requirements. For sources complying by installing low-NO_x burners or mid-kiln firing, there is no performance standard to demonstrate compliance with, therefore, there is no compliance demonstration to be made through emissions testing. For sources complying with (3)(A)3. and (3)(A)5. of this rule, the cement kilns believe that the rule provides appropriate mechanism for determining specific monitoring requirements within the director's approval process.

The cement kilns also believe that EPA, in proposing a requirement for CEMS at this time has not provided an opportunity to evaluate the technical or financial aspects of the installation, maintenance, and support of the monitors and associated record keeping systems, and whether or not the effort and investment add a justifiable level of compliance assurance beyond periodic testing.

RESPONSE AND EXPLANATION OF CHANGE: The department has retained the proposed requirements for sources that comply using mid-kiln firing systems and low-NO_x burners with the addition of language that clarifies that any deviation from the operating conditions or specifications established as part of the initial installation of the control equipment may be considered a violation of the rule. In addition, the department amended the proposed rule as suggested by EPA to require annual performance testing for any source that does not comply using the aforementioned control technologies. This requirement is consistent with EPA's FIP and with other state NO_x SIP calls rules.

COMMENT: EPA commented that in subsection (4)(C) the department proposes to allow for an owner or operator complying with a low-NO_x burner or mid-kiln firing system to comply with the monitoring requirements specified in (4)(C)1. through the use of an alternative compliance method to be approved by the staff director and incorporated into the federally approved SIP. As indicated in the above comments on the compliance option to pursue case-by-case studies to determine an emissions limit, this provision is acceptable provided the alternative method is approved and incorporated into the SIP and available for use prior to the control date of May 1, 2007.

RESPONSE: All requirements in subsection (3)(A) of the proposed rule must be in place and operating May 1, 2007. The department feels the rule is clear in its requirement as proposed and has not amended the proposed rule in response to this comment.

COMMENT: EPA commented that in subsection (4)(B) there is no reporting requirement for daily cement kiln production records. EPA believes this is necessary in order to help determine compliance with the rule for sources who choose provisions other than combustion controls of low-NO_x burners or mid-kiln firing. We view the lack of a record keeping requirement for daily cement kiln production to be an approvability issue.

Continental Cement Company commented on behalf of the cement kiln affected by this rulemaking, commented that the cement kilns affected by this rulemaking believe that it was appropriate for MDNR to omit reporting requirements for daily cement kiln production records. As proposed, the emission limits are based on the average over the ozone season, therefore to require daily record keeping would be irrelevant and onerous. The cement kilns believe that record keeping precision should be consistent with the averaging period.

RESPONSE AND EXPLANATION OF CHANGE: The department has amended subsection (4)(B) to include a reporting requirement for daily clinker production in tons per day. The department

understands the concerns of the cement kiln industry on this issue. However, to be consistent with EPA's model rule and the states of Illinois and Kentucky on this issue the department found it necessary to include the daily cement kiln recording provision.

COMMENT: EPA commented that paragraph (4)(A)2. of the rule states that the owner or operator shall submit to the staff director by October 31 of each year an annual report documenting NO_x emissions from that unit for the ozone season. The EPA believes it is necessary to include the phrase—beginning in the year 2007—in order to specify the first year this report is due.

RESPONSE AND EXPLANATION OF CHANGE: The department has added the suggested language to paragraph (4)(A)2. of the proposed rule.

COMMENT: EPA commented that subsection (4)(B) needs to contain as a requirement the results of any performance testing. We view the lack of a record keeping requirement for performance testing to be an approvability issue.

RESPONSE AND EXPLANATION OF CHANGE: The department has added a requirement to maintain records of any performance tests on-site to subsection (4)(B).

COMMENT: CCC and Holcim commented, prior to the comment period opening, with additional fiscal information.

RESPONSE: The department appreciates both CCC and Holcim's input on the fiscal impacts of the proposed rule. After analyzing the information submitted by both CCC and Holcim, the department believes that the proposed fiscal note captures the comments. The department has not amended the proposed rule in response to these comments.

10 CSR 10-6.380 Control of NO_x Emissions From Portland Cement Kilns

(1) Applicability. This rule applies to any cement kiln located in the counties of Bollinger, Butler, Cape Girardeau, Carter, Clark, Crawford, Dent, Dunklin, Franklin, Gasconade, Iron, Jefferson, Lewis, Lincoln, Madison, Marion, Mississippi, Montgomery, New Madrid, Oregon, Pemiscot, Perry, Pike, Ralls, Reynolds, Ripley, St. Charles, St. Francois, St. Louis, Ste. Genevieve, Scott, Shannon, Stoddard, Warren, Washington and Wayne counties and the City of St. Louis that—

(A) Is a long dry kiln with an actual process rate of at least twelve tons of clinker produced per hour (12 TPH);

(B) Is a long wet kiln with an actual process rate of at least ten (10) TPH;

(C) Is a preheater kiln with an actual process rate of at least sixteen (16) TPH; or

(D) Is a precalciner or preheater/precalciner kiln with an actual process rate of at least twenty-two (22) TPH.

(3) General Provisions.

(C) Excess Emissions During Start-Up, Shutdown, or Malfunction. If the owner or operator provides notice of excess emissions pursuant to state rule 10 CSR 10-6.050(3)(B), the director will determine whether the excess emissions are attributable to start-up, shutdown or malfunction conditions, pursuant to rule 10 CSR 10-6.050(3)(C). If the director determines that the excess emissions are attributable to such conditions, and if such excess emissions cause a kiln to exceed the applicable emission limits in this rule, the director will determine whether enforcement action is warranted, as provided in rule 10 CSR 10-6.050(3)(C). If the director determines that the excess emissions are attributable to a start-up, shutdown, or malfunction condition and does not warrant enforcement action, those emissions would not be included in the calculation of ozone season NO_x emissions.

(4) Reporting and Record Keeping.

(A) Reporting Requirements. The owner or operator of a kiln subject to this rule shall comply with the following requirements:

1. By May 1, 2007, the owner or operator shall submit to the staff director the identification number and type of each unit subject to this rule, the name and address of the plant where the unit is located, and the name and telephone number of the person responsible for demonstrating compliance with this rule;

2. The owner or operator shall submit to the staff director by October 31 of each year, beginning in the year 2007, an annual report documenting for that unit:

A. The emissions, in pounds of NO_x per ton of clinker produced from each affected Portland cement kiln during the period from May 1 through September 30;

B. The results of any performance testing; and

C. Cement kiln clinker production, in tons, from May 1 through September 30; and

3. If the owner or operator elects to comply with paragraph (3)(A)3. or (3)(A)5. of this rule, the owner or operator will supply, starting April 2008, the staff director with a report as specified in the compliance plan.

(B) Record Keeping Requirements.

1. Any owner or operator of a unit subject to this rule shall produce and maintain records, which shall include, but are not limited to the results of any initial performance test, the results of any subsequent performance tests, the date, time and duration of any start-up, shutdown or malfunction in the operation of any of the cement kilns or the emissions monitoring equipment, as applicable.

2. If an owner or operator elects to use subsection (3)(B) of this rule as part of the compliance plan, the owner or operator must retain records as agreed to in the approved compliance plan.

3. Daily cement kiln clinker production in tons per day.

4. Any applicable monitoring data.

5. All records required to be produced or maintained shall be retained on-site for a minimum of five (5) years and made available upon request.

(C) Monitoring Requirements.

1. An owner or operator complying with paragraph (3)(A)1. or (3)(A)2. of this rule shall maintain and operate the device according to the manufacturer's specifications as approved by the permitting agency. The monitoring shall:

A. Include parameters indicated in the manufacturer's specifications and recommendations for the low- NO_x burner or mid-kiln firing system as approved by the permitting agency; and

B. Identify the specific operation conditions to be monitored and correlation between the operating conditions and NO_x emission rate.

2. An owner or operator complying with paragraph (3)(A)3., (3)(A)4., or (3)(A)5. of this rule shall complete an initial performance test by May 1, 2007 and subsequent performance tests, on an annual basis, consistent with the requirements of section (5) of this rule.

3. An owner or operator may comply with the requirements in paragraph (4)(C)1. through the use of an alternative compliance method approved by the staff director and incorporated in the federally approved SIP.

4. Any deviation from the operating conditions or specifications, which result in an increase in NO_x emissions, established in this paragraph constitute a violation of this rule, unless the owner or operator demonstrates to the satisfaction of the director that the deviation did not result in an increase in NO_x emissions.

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission adopts a rule as follows:

10 CSR 10-6.390 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 15, 2005 (30 MoReg 553-554). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received comments on the proposed rule from the Environmental Protection Agency (EPA) and from the Midwest Environmental Consultants. EPA's comments related to language within the proposed rule with respect to definitions, emission rates, exemptions, monitoring and record keeping. Midwest Environmental Consultants commented that the word stationary should be added to the proposed rule title for clarity.

COMMENT: EPA commented that in subsection (1)(B) the department allows an exemption for stationary internal combustion engines that meet the definition of an emergency standby engine that is capable of firing burning liquid fuel and gaseous fuel simultaneously. It is suggested that this provision include a maximum number of hours per ozone season limit, such as five hundred (500), in the definition.

RESPONSE: The definition of stationary internal combustion engines in subsection (1)(B) of the proposed rule is the same definition as EPA proposed in their proposed rule Federal Implementation Plans to Reduce the Regional Transport of Ozone. The department has tried in large part to be consistent with EPA's model rules for the NO_x SIP Call. The department also believes that the definition is sufficiently limiting without the addition of an hour of use limitation. The definition limits sources to emergency conditions that are for protection of equipment and health and should not be further limited to an hour of use. The department has not amended the proposed rule language in response to this comment.

COMMENT: EPA commented that in (1)(B), the department proposes to exempt compliance with the general provisions and reporting and record keeping requirements during start-up, shutdown, periods of malfunction, and regularly scheduled maintenance activities. Allowing an exemption during these periods may allow emissions from this sector to be higher than the expected reduction deemed necessary to reduce the state's significant contribution to downwind nonattainment. We view this exemption to be an approvability issue in this rule.

RESPONSE AND EXPLANATION OF CHANGE: The department has amended section (1) of the rule to remove the exemptions subsection. The department has also added subsection (3)(F) to the rule, which allows the director pursuant to action under 10 CSR 10-6.050, the authority to remove excess NO_x emissions from compliance averaging as required under section (3) of the proposed rule. The department believes that this amendment captures the intent of the proposed rule while complying with EPA policy on this issue.

COMMENT: EPA commented that in section (3), the department has proposed a provision to establish compliance with this rule by meeting an emissions rate limit. Three (3) of the four (4) proposed category limits are higher than those proposed by EPA. It is unclear how these emission rate limits are reflective of the required eighty-two percent (82%) reduction to all large natural-gas fired IC engines and ninety percent (90%) reduction for diesel and dual fuel subcategories as finalized in the April 21, 2004 Phase II of the NO_x SIP Call. Documentation and justification that provide clarification on

the determination of these emission rates for compliance is needed. We view the use of alternative emission rate limits above those proposed by EPA to be an approvability issue.

RESPONSE AND EXPLANATION OF CHANGE: With respect to the emission limit for rich-burn SI and lean-burn SI engine as proposed in paragraphs (3)(B)1. and 2., EPA first states on page 21620 of the April 21, 2004 *Federal Register*, Interstate Ozone Transport: Response to Court Decisions on the NO_x SIP Call, NO_x SIP Call Technical Amendments, and Section 126 Rules, "As pointed out by the commenters, the vast majority of the large IC engines in the NO_x SIP Call inventory are natural gas-fired lean-burn engines. Furthermore, the emission inventory does not contain sufficient detail to determine exactly which engines are lean burn and which are not. For these reasons, we agree with the comment that it is reasonable to assume that all the large natural gas stationary engines in the inventory are lean burn for the purposes of calculating the IC engine portion of the NO_x SIP Call State budgets."

EPA further states on page 21621, of the same notice, "The percent reduction determination is based primarily on two factors—the uncontrolled and controlled levels—which are discussed above. We reviewed information submitted by commenters and collected additional data in response to concerns raised by commenters. Considering all of the available data, we have determined that the appropriate uncontrolled and controlled values are 16.8 and 3, respectively."

It is clear to the department, that EPA's April 21, 2004 Phase II rule establishes an emission limit of three (3) grams per horsepower-hour and that limit should apply to all natural gas fired engines to which the rule applies. The department does not find any documented guidance from EPA that leads the department to believe that the emission limits in the proposed FIP are more appropriate than those listed in the final Phase II NO_x SIP Call. Therefore, the department feels that the proposed limit of three (3) grams per horsepower-hour for all natural gas fired engines is appropriate. The department is not aware of any diesel or dual fuel engines that would be affected by this rulemaking. Therefore, the department has removed the emission rate limits for diesel and dual fuel engines from the proposed rule.

COMMENT: EPA commented that in subsection (3)(E) the department has proposed that the utilization of the alternate calculational and record keeping procedure is required to be approved by the director in writing prior to implementation. As with other director discretion provisions included in this rule, EPA requires that this reference include approval by EPA. We suggest the following language:

A. A continuous emissions monitoring system (CEMS), which meets the applicable requirements of 40 CFR part 60, subpart A, Appendix B, and complies with the quality assurance procedures specified in 40 CFR part 60, Appendix F. The CEMS shall be used to demonstrate compliance with the applicable emission limit; or

B. A calculational and record keeping procedure based upon actual NO_x emissions testing and correlations with operating parameters. The installation, implementation and use of such an alternate calculational and record keeping procedure must be approved by the director and EPA and incorporated into the SIP prior to implementation. Procedures should demonstrate how compliance will be determined.

We view the need to have EPA approval when—director discretion—is cited to be an approvability issue.

RESPONSE AND EXPLANATION OF CHANGE: The department has amended the language of subparagraph (3)(E)1.B. to include—and EPA and incorporated into the SIP—after the word director as suggested.

COMMENT: EPA commented that in section (3), the department proposes to determine allowable NO_x emission rates for each applicable engine using an equation that allows the use of the highest NO_x emissions during the ozone season of 1995, 1996, or 1997. We sug-

gest using the SIP Call inventory unless better information is available.

RESPONSE: The department does not agree with this comment for several reasons. First, with respect to Missouri and this category the NO_x SIP Call inventory contains several errors that have been documented. Second, the NO_x SIP Call inventory is difficult to obtain a copy of. Therefore, the department believes that the proposed language is appropriate. A facility will have copies of their own inventory and will most likely have the most accurate inventory of their emissions.

COMMENT: Midwest Environmental Consultants commented that the title of 10 CSR 10-6.390 Control of Emissions from Large Internal Combustion Engines as published on March 15, 2005 in the *Missouri Register*, should contain the word Stationary. They stated that the rule concerns only stationary engines and thus should be titled so.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with this comment and is amending the title of this proposed rule to 10 CSR 10-6.390 Control of NO_x Emissions from Large Stationary Internal Combustion Engines.

10 CSR 10-6.390 Control of NO_x Emissions from Large Stationary Internal Combustion Engines

(1) Applicability. This rule applies to any large stationary internal combustion engine located in the counties of Bollinger, Butler, Cape Girardeau, Carter, Clark, Crawford, Dent, Dunklin, Franklin, Gasconade, Iron, Jefferson, Lewis, Lincoln, Madison, Marion, Mississippi, Montgomery, New Madrid, Oregon, Pemiscot, Perry, Pike, Ralls, Reynolds, Ripley, St. Charles, St. Francois, St. Louis, Ste. Genevieve, Scott, Shannon, Stoddard, Warren, Washington, and Wayne counties and the City of St. Louis greater than one thousand three hundred (1,300) horsepower that—

(A) Emitted greater than one (1) ton per day of NO_x on average during the period from May 1 through September 30 of 1995, 1996, or 1997; or

(B) Begins operation after September 30, 1997.

(C) Any stationary internal combustion engine that meets the definition of emergency standby engine in subsection (2)(C) of this rule is exempt from this rule.

(3) General Provisions.

(B) An owner or operator of a large stationary internal combustion engine meeting the applicability of paragraph (1)(A) of this rule shall not operate an engine to exceed the permitted emission rate or the following emission rate, whichever is more stringent:

1. For rich-burn SI engines 3.0 grams per horsepower-hour; or

2. For lean-burn SI engines 3.0 grams per horsepower-hour;

(E) Monitoring Requirements.

1. Any owner or operator meeting the applicability of section (1) of this rule shall not operate such equipment unless it is equipped with one of the following:

A. A continuous emissions monitoring system (CEMS), which meets the applicable requirements of 40 CFR part 60, subpart A, Appendix B, and complies with the quality assurance procedures specified in 40 CFR part 60, Appendix F. The CEMS shall be used to demonstrate compliance with the applicable emission limit; or

B. A calculational and record keeping procedure based upon actual NO_x emissions testing and correlations with operating parameters. The installation, implementation and use of such an alternate calculational and record keeping procedure must be approved by the director and EPA and incorporated into the SIP in writing prior to implementation.

2. The CEMS or approved alternate monitoring procedure shall be operated and maintained in accordance with an on-site CEMS or alternate monitoring plan approved by the director.

(F) Excess Emissions During Start-Up, Shutdown, or Malfunction. If the owner or operator provides notice of excess emissions pursuant to state rule 10 CSR 10-6.050(3)(B), the director will determine whether the excess emissions are attributable to start-up, shutdown or malfunction conditions, pursuant to rule 10 CSR 10-6.050(3)(C). If the director determines that the excess emissions are attributable to such conditions, and if such excess emissions cause a kiln to exceed the applicable emission limits in this rule, the director will determine whether enforcement action is warranted, as provided in rule 10 CSR 10-6.050(3)(C). If the director determines that the excess emissions are attributable to a start-up, shutdown, or malfunction condition and does not warrant enforcement action, those emissions would not be included in the calculation of ozone season NO_x emissions.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Drivers License Bureau Rules**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under sections 302.286, 302.304, 302.309 and 303.041, RSMo Supp. 2004, the director amends a rule as follows:

12 CSR 10-24.050 Deletion of Traffic Convictions and Suspension or Revocation Data from Missouri Driver Records **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 16, 2005 (30 MoReg 1051). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Drivers License Bureau Rules**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under sections 302.700, RSMo Supp. 2004, and 302.755 and 302.765, RSMo 2000, the director amends a rule as follows:

12 CSR 10-24.428 Excessive Speed Defined **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 16, 2005 (30 MoReg 1051–1052). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Drivers License Bureau Rules**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under sections 302.755 and 302.765, RSMo 2000, the director amends a rule as follows:

12 CSR 10-24.444 Ten-Year Disqualification **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 16, 2005 (30 MoReg 1052). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Drivers License Bureau Rules**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under sections 302.755.5, and 302.765, RSMo 2000, the director adopts a rule as follows:

12 CSR 10-24.474 Calculation of the Commercial Driver Disqualification **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 16, 2005 (30 MoReg 1052). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 500—Withholding Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under sections 143.221 and 143.961, RSMo 2000, the director withdraws a proposed rule as follows:

12 CSR 10-500.210 Monthly Employer Withholding Tax Electronic Filing and Payment Requirement **is withdrawn**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 16, 2005 (30 MoReg 1052–1055). This proposed rule is withdrawn.

SUMMARY OF COMMENTS: The department is withdrawing this proposed rule in order to conduct further review.

**Title 20—DEPARTMENT OF INSURANCE
Division 300—Market Conduct Examinations
Chapter 2—Record Retention for Market Conduct Examinations**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance under section 374.045, RSMo 2000, the director amends a rule as follows:

20 CSR 300-2.200 Records Required for Purposes of Market Conduct Examinations **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 2, 2005 (30 MoReg 988). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One comment was received generally supporting the proposed amendment to 20 CSR 300-2.200. However, the suggestion was made to allow insurance companies to rely on the department's website and the NAIC's Producer Licensing Database (PDB) and to maintain electronic records of producer licenses rather than paper copies.

RESPONSE: The department currently allows insurers to rely on the department's website and the NAIC's PDB to obtain producer licensing information. As long as the company can provide proof to the department's examiners that the date on which the company obtained that information, the company will be in compliance with this regulation. Therefore, no changes have been made.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 100—Division of Credit Unions**

**APPLICATIONS FOR NEW GROUPS OR
GEOGRAPHIC AREAS**

Pursuant to section 370.081(4), RSMo 2000, the director of the Missouri Division of Credit Unions is required to cause notice to be published that the following credit unions have submitted applications to add new groups or geographic areas to their membership.

Credit Union	Proposed New Group or Geographic Area
St. Louis Community Credit Union 3651 Forest Park Ave. St. Louis, MO 63108	Those who live or work in the following zip codes: 63074
Kansas City Credit Union 5110 Ararat Drive Kansas City, MO 64129	Those who live or work in the following county: Jackson

NOTICE TO SUBMIT COMMENTS: *Anyone may file a written statement in support of or in opposition to any of these applications. Comments shall be filed with: Director, Division of Credit Unions, PO Box 1607, Jefferson City, MO 65102. To be considered, written comments must be submitted no later than ten (10) business days after publication of this notice in the Missouri Register.*

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 25—Motor Carrier Operations**

IN ADDITION

**7 CSR 10-25.010 Skill Performance Evaluation Certificates for
Commercial Drivers**

PUBLIC NOTICE

Public Notice and Request for Comments on Applications for Issuance of Skill Performance Evaluation Certificates to Intrastate Commercial Drivers with Diabetes Mellitus or Impaired Vision

SUMMARY: This notice publishes MoDOT's receipt of applications for the issuance of Skill Performance Evaluation (SPE) Certificates, from individuals who do not meet the physical qualification requirements in the Federal Motor Carrier Safety Regulations for drivers of commercial motor vehicles in Missouri intrastate commerce, because of impaired vision, or an established medical histo-

ry or clinical diagnosis of diabetes mellitus currently requiring insulin for control. If granted, the SPE Certificates will authorize these individuals to qualify as drivers of commercial motor vehicles (CMVs), in intrastate commerce only, without meeting the vision standard prescribed in 49 CFR 391.41(b)(10), if applicable, or the diabetes standard prescribed in 49 CFR 391.41(b)(3).

DATES: Comments must be received at the address stated below, on or before September 30, 2005.

ADDRESSES: You may submit comments concerning an applicant, identified by the Application Number stated below, by any of the following methods:

- E-mail:** *Kathy.Hatfield@modot.mo.gov*
- Mail:** *PO Box 893, Jefferson City, MO 65102-0893*
- Hand Delivery:** *1320 Creek Trail Drive, Jefferson City, MO 65109*
- Instructions:** All comments submitted must include the agency name and Application Number for this public notice. For detailed instructions on submitting comments, see the Public Participation heading of the Supplementary Information section of this notice. All comments received will be open and available for public inspection and MoDOT may publish those comments by any available means.

**COMMENTS RECEIVED
BECOME MoDOT PUBLIC RECORD**

- By submitting any comments to MoDOT, the person authorizes MoDOT to publish those comments by any available means.
- Docket:** For access to the department's file, to read background documents or comments received, 1320 Creek Trail Drive, Jefferson City, MO 65109, between 7:30 a.m. and 4 p.m., Monday through Friday, except state holidays.

FOR FURTHER INFORMATION CONTACT: Ms. Kathy Hatfield, Motor Carrier Specialist, (573) 522-9001, MoDOT Motor Carrier Services Division, PO Box 893, Jefferson City, MO 65102-0893. Office hours are from 7:30 a.m. to 4:00 p.m., CT, Monday through Friday, except state holidays.

SUPPLEMENTARY INFORMATION:

Public Participation

If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard.

Background

The individuals listed in this notice have recently filed applications requesting MoDOT to issue SPE Certificates to exempt them from the physical qualification requirements relating to vision in 49 CFR 391.41(b)(10), or to diabetes in 49 CFR 391.41(b)(3), which otherwise apply to drivers of CMVs in Missouri intrastate commerce.

Under section 622.555, *Missouri Revised Statutes* (RSMo) Supp. 2004, MoDOT may issue a Skill Performance Evaluation Certificate, for not more than a two (2)-year period, if it finds that the applicant has the ability, while operating CMVs, to maintain a level of safety that is equivalent to or greater than the driver qualification standards of 49 CFR 391.41. Upon application, MoDOT may renew an exemption upon expiration.

Accordingly, the agency will evaluate the qualifications of each applicant to determine whether issuing a SPE Certificate will comply with the statutory requirements and will achieve the required level of safety. If granted, the SPE Certificate is only applicable to intrastate transportation wholly within Missouri.

Qualifications of Applicants

Application # MP040818060

Applicant's Name & Age: Richard M. Arnold, 33
Relevant Physical Condition: Mr. Arnold's best-corrected visual acuity is 20/20 Snellen, in both eyes. He has insulin-treated diabetes mellitus and has been using insulin for control since 1997.
Relevant Driving Experience: Employed by Ricketts Farm Service Inc., Salisbury, MO from April 2002 to present and has driven straight trucks and tractor-trailers, both automatic and manual. Employed as a truck driver for various grain companies from 1997 to 2002. Drives personal vehicle(s) daily.
Doctor's Opinion & Date: Following an examination in December, 2004, his endocrinologist certified, "In my medical opinion, Mr. Arnold's diabetes deficiency is stable and he is capable of performing the driving tasks required to operate a commercial motor vehicle, and that the applicant's condition will not adversely affect his ability to operate a commercial motor vehicle safely."
Traffic Accidents and Violations: No accidents or violations within the past three (3) years.

Application # MP041229091

Applicant's Name & Age: Marc Christopher Grooms, 35
Relevant Physical Condition: Mr. Grooms has Amblyopia in his right eye and his best-corrected visual acuity in the right eye is 20/60 Snellen and uncorrected is 20/200. His best corrected and uncorrected visual acuity in his left eye is 20/20 Snellen.
Relevant Driving Experience: Employed by World Outdoor Emporium, St. Charles, MO as a route sales driver from April 1992 to present. He drives a straight truck, dump and flat approximately three (3) hours per day. Drives personal vehicle(s) daily.
Doctor's Opinion & Date: Following an examination in March 2005, his optometrist certified, "In my medical opinion, Mr. Groom's visual deficiency is stable and has sufficient vision to perform the driving tasks required to operate a commercial motor vehicle, and that his condition will not adversely affect his ability to operate a commercial motor vehicle safely."
Traffic Accidents and Violations: No accidents or violations within the past three (3) years.

Application # MP041229090

Applicant's Name & Age: Calvin J. Leong, 54
Relevant Physical Condition: Mr. Leong has Refractive Amblyopia in his right eye and his best-corrected visual acuity in the right eye is 20/400 Snellen and uncorrected is 20/400. His best corrected visual acuity in his left eye is 20/25 and uncorrected visual acuity in his left eye is 20/400 Snellen.
Relevant Driving Experience: Employed by IBC Wonder/Hostess, St. Louis, MO as a route sales driver/rep from 1991 to present. He drives a straight truck, step van approximately seven (7) hours per day. Drives personal vehicle(s) daily.
Doctor's Opinion & Date: Following an examination in January 2005, his optometrist certified, "In my medical opinion, Mr. Leong's visual deficiency is stable and has sufficient vision to perform the driving tasks required to operate a commercial motor vehicle, and that his condition will not adversely affect his ability to operate a commercial motor vehicle safely."
Traffic Accidents and Violations: No accidents or violations within the past three (3) years.

Application # MP040621043

Applicant's Name & Age: Harold J. Vanbooven, 69
Relevant Physical Condition: Mr. Vanbooven has monocular vision. His best-corrected visual acuity in the left eye is 20/25 and uncor-

rected is 20/30 Snellen. His right eye is missing.
Relevant Driving Experience: Employed by MFA Distribution Warehouse in Sedalia, MO as a route driver from 2003 to present. He drives a straight truck with a right outside mirror approximately twenty-four (24) hours per week. Drives personal vehicle(s) daily.
Doctor's Opinion & Date: Following an examination in November 2004, his ophthalmologist certified, "In my medical opinion, Mr. Vanbooven's visual deficiency is stable and has sufficient vision to perform the driving tasks required to operate a commercial motor vehicle, and that his condition will not adversely affect his ability to operate a commercial motor vehicle safely."
Traffic Accidents and Violations: No accidents or violations within the past three (3) years.

Request for Comments

The Missouri Department of Transportation, Motor Carrier Services Division, pursuant to section 622.555, RSMo, and rule 7 CSR 10-25.010, requests public comment from all interested persons on the applications for issuance of Skill Performance Evaluation Certificates described in this notice. We will consider all comments received before the close of business on the closing date indicated earlier in this notice.

Issued on: August 3, 2005

Jan Skouby, Motor Carrier Services Director, Missouri Department of Transportation.

Construction Transient Employers

The following is a list of all construction contractors performing work on construction projects in Missouri who are known by the Department of Revenue to be transient employers pursuant to Section 285.230, RSMo. This list is provided as a guideline to assist public bodies with their responsibilities under this section that states, "any county, city, town, village or any other political subdivision which requires a building permit for a person to perform certain construction projects shall require a transient employer to show proof that the employer has been issued a tax clearance and has filed a financial assurance instrument as required by Section 285.230 before such entity issues a building permit to the transient employer."

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
A FISCHER BUILDERS INC	814 OHIO ST	QUINCY	IL	62301
AC LEADBETTER & SON INC	110 ARCO DR	TOLEDO	OH	43615
ACADEMY ROOFING & SHEET METAL CO	6361 NE 14TH ST	DES MOINES	IA	50313
ACCEPTANCE CAPITAL MORTGAGE CORPORATION	112 N UNIVERSITY STE 200	SPOKANE	WA	99206
ACI MECHANICAL CORPORATION	3116 SOUTH DUFF AVE	AMES	IA	50010
ACI MECHANICAL INC	3116 S DUFF AVE	AMES	IA	50010
ADDISON CONSTRUCTION CO	1526 HORSE CREEK RD	CHEYENNE	WY	82009
ADECCO USA INC	175 BROAD HOLLOW RD	MELVILLE	NY	11747
ADUDELLE ROOFING & SHEET METAL INC	14220 S MERIDIAN	OKLAHOMA	OK	73173
ADVANCED PROTECTIVE COATING INC	2530 BAYARD ST	KANSAS CITY	KS	66105
ADVANTAGE PROFESSIONAL OF PHOENIX LLC	1995 WEHRLE DR	WILLIAMSVILLE	NY	14221
AEI INC	735 GLASER PKWY	AKORN	OH	44306
AERIAL SOLUTIONS INC	7074 RAMSEY FORD ROAD	TABOR CITY	NC	28463
AIDE INC	2510 WADE HAMPTON BLVD	GREENVILLE	SC	29606
AKERMAN CONSTRUCTION CO INC	2915 SH 74 SOUTH	PURCELL	OK	73080
ALLIANCE ENTERPRISES INC	5421 PENINSULA DR S E	OLYMPIA	WA	98513
ALLIANCE INTEGRATED SYSTEMS INC	1500 STUDEMONT	HOUSTON	TX	77007
ALLIED STEEL CONSTRUCTION CO LLC	2211 NW FIRST TERRACE	OKLAHOMA CITY	OK	73107
ALLSTATE SPECIALTY CONSTRUCTION INC	32700 W 255TH ST	PAOLA	KS	66071
ALVAREZ ENVIRONMENTAL LLC	4631 INVERNESS DR	POST FALLS	ID	83854
AMERICAN CIVIL CONSTRUCTORS INC	4901 S WINDERMERE ST	LITTLETON	CO	80120
AMERICAN COATINGS INC	612 W IRIS DR	NASHVILLE	TN	37204
AMERICAN DIGITAL SYSTEMS/FIBRACOM	12787 E 41ST ST	TULSA	OK	74145
AMERICAN MASONRY CO	1016 W EUCLID	PITTSBURG	KS	66762
AMERICASDOCTOR.COM COORDINATORS SERVICES INC	3315 S 23RD STR 108	TACOMA	WA	98405
ANDERSEN TRENCHING & EXCAVATING INC	17263 SUMAC RD	HONEY CREEK	IA	51542
ANTIGO CONSTRUCTION INC	2520 N CLERMONT ST	ANTIGO	WI	54409
ANYTHING AQUATIC INC	2217 WESTCHESTER RD	LAWRENCE	KS	66049
APPLIKON INC	1165 CHESS DR STE G	FOSTER CITY	CA	94404
ARCHITECTURAL GLAZING PROFESSIONALS	11655 CLARE RD	OLATHE	KS	66061
ARGUSS COMMUNICATIONS GROUP INC	DOVER RD	EPSOM	NH	03234
ARKANSAS CONTRACTORS	1308 CHURCH	BARLING	AR	72952
ARNOLD & MADSON INC	1995 CENTURY AVE SO	WOODBURY	MN	55125

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
ARR ROOFING LLC	8909 WASHINGTON ST	OMAHA	NE	68127
ARROWHEAD SERVICES INC	12920 METCALF STE 150	OVERLAND PARK	KS	66213
ASBESTOS REMOVAL COMPANY	6361 NE 14TH STREET	DES MOINES	IA	50313
ASPHALT STONE COMPANY	520 N WEBSTER	JACKSONVILLE	IL	62650
ATLAS INDUSTRIAL HOLDINGS LLC	5275 SINCLAIR RD	COLUMBUS	OH	43229
AUGERS UNLIMITED INC	11933 KAW DRIVE	KANSAS CITY	KS	66111
AUREUS RADIOLOGY LLC	11825 Q ST	OMAHA	NE	68137
AUTRY CONSTRUCTION INC	140 E 3RD	BAXTER SPRINGS	KS	66713
B & B CONTRACTORS INC	13745 SEMINOLE DR	CHINO	CA	91710
B & B PERMASTORE INC	6750 W 75TH STE 1A	OVERLAND PARK	KS	66204
B & D ELECTRIC INC	P O BOX 43	STAMPS	AR	71860
B & K MANAGEMENT INC	545 J ST	LINCOLN	NE	68508
BALL CONSTRUCTION INC	13922 WEST 108TH ST	LENEXA	KS	66215
BARNESCO INC	2002 CEDAR CREST	ARKANSAS CITY	KS	67005
BARROWS EXCAVATION INC	49 COUNTY RD #404	BERRYVILLE	AR	72616
BAZIN EXCAVATING INC	20160 W 191ST	SPRINGHILL	KS	66083
BE & K ENGINEERING COMPANY	2000 INTERNATIONAL PK DR	BIRMINGHAM	AL	35243
BEL CLAIR ELECTRIC INC	912 S BELT W	BELLEVILLE	IL	62220
BENCHMARK INC	6065 HUNTINGTON CT NE	CEDAR RAPIDS	IA	52402
BEW CONSTRUCTION CO INC	1319 MAIN ST	WOODWARD	OK	73801
BILL DAVIS ROOFING LC	628 VERMONT	LAWRENCE	KS	66044
BISON ELECTRIC INC	12037 E PINE ST	TULSA	OK	74116
BIVOUAC ENGINEERING & SERVICE CO LLC	588 MEADOW LANE	MARION	OH	43302
BJ ERECTION CORPORATION	16626 MILES AVE	CLEVELAND	OH	44128
BLAHNIK CONSTRUCTION CO	150 50TH AVE DR SW	CEDAR RAPIDS	IA	52404
BLAZE MECHANICAL INC	15755 S 169 HWY STE E	OLATHE	KS	66062
BLICKS CONSTRUCTION CO INC	LOCK & DAM RD	QUINCY	IL	62301
BONNEVILLE CONSTRUCTION CO INC	5005 E CAREY AVE	LAS VEGAS	NV	89115
BRADEN CONSTRUCTION SERVICES INC	5110 N MINGO RD	TULSA	OK	74117
BRB CONTRACTORS INC	400 W CURTIS	TOPEKA	KS	66608
BRINK ELECTRIC CONSTRUCTION CO	2950 N PLAZA DR	RAPID CITY	SD	57702
BROWNING WELDING SERVICE INC	163 SHAW BRIDGE ROAD	GREENBRIER	AR	72058
BRUCE TRUCKING AND EXCAVATING INC	4401 HWY 162	GRANITE CITY	IL	62040
BRYAN POWELL DRYWALL INC	4330 PARKER LN	TEXARKANA	AR	71854
BUILDINGS INC	235 SOUTH 40TH	SPRINGDALE	AR	72765
BUILT WELL CONSTRUCTION CO	MAIN ST HWY 279 S	HIWASSE	AR	72739
C & C CONTRACTING INC	222 SOUTH SECOND ST	ORLEANS	IN	47452
C IBER & SONS INC	3212 N MAIN	EAST PEORIA	IL	61611
CARNEY DEMOLITION	303 S HALSTED	CHICAGO	IL	60661
CARTER MOORE INC	1865 E MAIN ST STE F	DUNCAN	SC	29334
CASHATT & SONS CORP	BOX 74	RED OAK	IA	51566
CASYSYSTEMS INTERNATIONAL INC	8300 COLESVILLE RD 700	SILVER SPRING	MD	20910

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
CBS CONSTRUCTORS	204 E 1ST	MCCOOK	NE	69001
CCC GROUP INC	5797 DIETRICH RD	SAN ANTONIO	TX	78219
CDK SKANSKA INC	800 S HUTTON RD	FARMINGTON	NM	87401
CENTRAL FOUNDATION INC	915 MARION RD S	CENTRAL CITY	IA	52214
CENTRAL ILLINOIS TILE CO	3302 N MATTIS AVE	CHAMPAIGN	IL	61821
CENTRAL STATES CONTRACTING SERVICES	610 S 78TH ST	KANSAS CITY	KS	66111
CENTRAL STATES ENVIRONMENTAL SERVIC	609 AIRPORT ROAD	CENTRALIA	IL	62801
CENTURY MECHANICAL CONTRACTORS INC	15480 S 169 HWY	OLATHE	KS	66051
CHAMPION EXPOSITION SERVICES	139 CAMPANELLI DRIVE	MIDDLEBORO	MA	02346
CHANCE CONSTRUCTION CO	ITALY & BARBER ST	HEMPHILL	TX	75948
CHESTER PHILLIPS CONSTRUCTION COMPANY	1501 N UNIVERSITY STE 740	LITTLE ROCK	AR	72207
CHRIS GEORGE HOMES INC	2111 E SANTA FE #112	OLATHE	KS	66062
CHRISTIE DIGITAL SYSTEMS USA INC	10550 CAMDEN DRIVE	CYPRESS	CA	90630
CLIFFORD LEE & ASSOCIATES	292 MELVIN HARRIS RD	MANCHESTER	GA	31816
COAST TO COAST BUILDERS INC	750 E FUNSTON	WICHITA	KS	67211
COASTAL GUNITE CONSTRUCTION CO	16 WASHINGTON ST	CAMBRIDGE	MD	21613
COLE RAYWID & BRAVERMAN LLP	1919 PENNSYLVANIA AVE NW	WASHINGTON	DC	20006
COLLECTOR WELLS INTERNATIONAL INC	6360 HUNTLEY RD	COLUMBUS	OH	43229
COMMERCIAL CONTRACTING CO OF SAN AN	5797 DIETRICH RD	SAN ANTONIO	TX	78219
COMMERCIAL CONTRACTORS INC	729 LINCOLN AVE	HOLLAND	MI	49423
COMO TECH INSPECTIONS INC	40 DEEP CREEK RD	MANHATTAN	KS	66502
CONSTRUCTION MANAGEMENT INC	108 JACKMAN ST	GEORGETOWN	MA	01833
CONSTRUCTORS INC	P O BOX 46417	BATON ROUGE	LA	70895
CONTRACT DEWATERING SERVICES INC	5820 W RIVERSIDE DR	SARANAC	MI	48881
CONTROL INSTALLATIONS OF IOWA INC	6200 THORNTON AVE STE 190	DES MOINES	IA	50321
COOPERS STEEL FABRICATORS	503 N HILLCREST DR	SHELBYVILLE	TN	37162
CORNERSTONE COMMERCIAL CONTRACTORS	1260 JERICO	CORNING	IA	50841
CORONA POWER SERVICES INC	5220 MINOLA DR	LITHONIA	GA	30038
CORONADO INC	1835 WALL ST	SALINA	KS	67401
COST OF WISCONSIN INC	4201 HWY P	JACKSON	WI	53037
COWARTS CONSTRUCTION COMPANY INC	223 AIRPORT RD	SALEM	AR	72576
CRANE CONSTRUCTION COMPANY LLC	343 WAINWRIGHT DR	NORTHBROOK	IL	60062
CREEK ELECTRIC INC	2811 W PAWNEE ST	WICHITA	KS	67213
CRONISTER & COMPANY INC	FORBES FIELD BL 281 UNT E	TOPEKA	KS	66619
CUST O FAB FIELD SERVICE LLC	1900 N 161ST E AVE	TULSA	OK	74116
CUSTOMER CARE SOLUTIONS	1 IRVINGTON CTR 700 KING	ROCKVILLE	MD	20850
CUTCO INC	RR 1 BOX 121	WYOMING	IL	61491
CUTTING EDGE EXCAVATING & TRUCKING INC	PO BOX 597	LOUISBURG	KS	66053
D & D PIPELINE CONSTRUCTION CO INC	4700 W HWY 117	SAPULPA	OK	74066
DALRYMPLE & CO	3675 S NOLAND RD STE 102	INDEPENDENCE	MO	64055
DANNYS CONSTRUCTION CO INCORPORATED	1066 WEST THIRD AVENUE	SHAKOPEE	MN	55379
DAVE OSBORNE CONSTRUCTION CONTRACTI	15600 28TH AVE N	PLYMOUTH	MN	55447

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
DAVID A NICE BUILDERS INC	4571 WARE CREEK ROAD	WILLIAMSBURG	VA	23188
DAVIS ELECTRICAL CONSTRUCTORS INC	429 N MAIN ST	GREENVILLE	SC	29602
DCG PETERSON BROTHERS COMPANY	5005 S HWY 71	SIOUX RAPIDS	IA	50585
DDD COMPANY	8000 CORPORATE DR STE 100	LANDOVER	MD	20785
DELCO ELECTRIC INC	7615 N CLASSEN BLVD	OKLAHOMA CITY	OK	73116
DELPHI AUTOMOTIVE SYSTEMS HUMAN RESOURCES LLC	P O BOX 62410	PHOENIX	AZ	85082
DIAMOND CONSTRUCTION COMPANY	2000 N 18TH ST	QUINCY	IL	62301
DIMENSIONAL TECHNOLOGY INC	6717 LINDEN LN	HUNTLEY	IL	60142
DIVINE INC	2310 REFUGEE RD	COLUMBUS	OH	43207
DL SMITH ELECTRICAL CONSTRUCTION INC	1405 SW 41ST ST	TOPEKA	KS	66609
DOBSON DAVIS COMPANY	8521 RICHARDS RD	LENEXA	KS	66215
DOME CORPORATION OF NORTH AMERICA	5450 EAST ST	SAGINAW	MI	48601
DON BELL HOMES INC	11599 N RIDGEVIEW	OLATHE	KS	66061
DONALD E MCNABB COMPANY INC	31250 S MILFORD RD	MILFORD	MI	48381
DOUBLE O MASONRY INC	722 S 260TH ST	PITTSBURG	KS	66762
DUSTROL INC	GEN DEL	EL DORADO	KS	67042
DW PROEHL CONSTRUCTION INC	818 N HELEN AVE	SIOUX FALLS	SD	57104
E80 PLUS CONSTRUCTORS LLC	600 BASSETT ST	DEFOREST	WI	53532
ECONOMY ELECTRICAL CONTRACTORS	101 CENTURY 21 DR #204	JACKSONVILLE	FL	32216
EDWARD KRAEMER & SONS INC	ONE PLAINVIEW RD	PLAIN	WI	53577
ELECTRICAL LINE SERVICES INC	14200 S TULSA DR	OKLAHOMA CITY	OK	73170
ELLIOTT ELECTRICAL INC	P O BOX 1039	BENTON	AR	72015
EMCO CHEMICAL DISTRIBUTORS INC	2100 COMMONWEALTH AVE	NORTH CHICAGO	IL	60064
EMPLOYEE RESOURCE ADMINISTRATION LP	10501 N CENTRAL EXPY #101	DALLAS	TX	75231
ENERGY DELIVERY SERVICES INC	3909 W FIFTH ST	CHEYENNE	WY	82003
ENERGY SYSTEMS GROUP LLC	4655 ROSEBUD LANE	NEWBURGH	IN	47630
EQUUS METALS	1415 S JOPLIN AVE	TULSA	OK	74112
ERVIN CABLE CONSTRUCTION INC	260 N LINCOLN BLVD E	SHAWNEETOWN	IL	62984
EVCO NATIONAL INC	339 OLD ST LOUIS RD	WOOD RIVER	IL	62095
EXXEL PACIFIC INC	323A TELEGRAPH RD	BELLINGHAM	WA	98226
FABCON INCORPORATED	6111 WEST HIGHWAY 13	SAVAGE	MN	55378
FABCON LLC	3400 JACKSON PIKE	GROVE CITY	OH	43123
FALCON ELECTRIC INC	100 NORTH FIRST ST	CLARKSBURG	WV	26301
FARABEE MECHANICAL INC	P O BOX 1748	HICKMAN	NE	68372
FAYETTEVILLE PLUMBING & HEATING CO INC	P O BOX 1061	FAYETTEVILLE	AR	72702
FEDERAL FIRE PROTECTION INC	805 SECRETARY DR STE A	ARLINGTON	TX	76015
FJW GROUP INC	905 W MITCHELL	ARLINGTON	TX	76013
FOLTZ CONSTRUCTION INC	BOX 38	PATOKA	IL	62875
FOLTZ WELDING PIPELINE MAINTENANCE	501 E CLINTON AVE	PATOKA	IL	62875
FORD CONTRACTING CORP	1307 E COURT ST	DYERSBURG	TN	38024
FOUNDATION FENCE INC	320 SOUTHLAND RD	BURNET	TX	78611

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
FREESEN INC	316 S PEARL	BLUFFS	IL	62621
GALACTIC TECHNOLOGIES INC	400 N LOOP 1604 E STE 210	SAN ANTONIO	TX	78232
GAMMA CONSTRUCTION COMPANY	2808 JOANEL	HOUSTON	TX	77027
GARY SANDERS MASONRY	109 AVE F	WEST POINT	IA	52656
GEISSLER ROOFING CO INC	612 S 3RD ST	BELLEVILLE	IL	62220
GENE FRITZEL CONSTRUCTION COMPANY I	643 MASSACHUSETTS STE 300	LAWRENCE	KS	66044
GENE FRITZEL CONSTRUCTION SERVICES	628 VERMONT	LAWRENCE	KS	66044
GEOPIER FOUNDATION CO MIDWEST	6336 HICKMAN STE 203	DES MOINES	IA	50322
GFV CONSTRUCTION CO	4535 MEADOWVIEW DR	LAKELAND	FL	33810
GLEESON CONSTRUCTORS INC	2015 E 7TH ST	SIOUX CITY	IA	51105
GLENN H JOHNSON CONSTRUCTION CO	2521 GROSS POINT RD	EVANSTON	IL	60201
GORDONS ENHANCED TECHNOLOGY MARKETING INC	4500 RATLIFF LN #108	ADDISON	TX	75001
GRAHAM CONSTRUCTION COMPANY	500 LOCUST ST	DES MOINES	IA	50309
GRAZZINI BROS COMPANY	620 16TH AVE S	MINNEAPOLIS	MN	55454
GUS CONST CO INC	606 ANTIQUE COUNTRY DR	CASEY	IA	50048
H & H SYSTEMS & DESIGN INC	130 EAST MAIN ST	NEW ALBANY	IN	47150
H & M CONSTRUCTION CO INC	50 SECURITY DR	JACKSON	TN	38305
HARBERT YEARGIN INC	105 EDINBURGH CR	GREENVILLE	SC	29607
HARDAWAY CONSTRUCTION CORP OF TENNE	615 MAIN STREET	NASHVILLE	TN	37206
HARMAN & SON CONSTRUCTION INC	1810 B EIGHTH AVE	FORT WORTH	TX	76110
HARNESS ROOFING INC	P O BOX 1382	HARRISON	AR	72601
HART PAINTING	2555 SW 50	OKLAHOMA CITY	OK	73119
HEALTHLINE INC	2600 N CENTRAL AVE #1700	PHOENIX	AZ	85004
HEBER E COSTELLO INC	609 COSTELLO ROAD	OAK GROVE	LA	71263
HEIDELBERG ENGINEERING INC	1499 POINSETTIA AVE #160	VISTA	CA	92081
HENDERSON ENGINEERS INC	8325 LENEXA DR STE 400	LENEXA	KS	66214
HERITAGE HOUSING DEVELOPMENT INC	16133 VENTURA BLVD #965	ENCINO	CA	91436
HERMAN STEWART CONSTRUCTION & DEVEL	4550 FORBES BLVD	LANHAM	MD	20706
HINRICHS GROUP INC THE	141 MARKET PL DR STE 105	FAIRVIEW HEIGHTS	IL	62208
HOFFMANN INC	6001 49TH ST S	MUSCATINE	IA	52761
HOGUE HORN & PASHMAN INC	922 MISSOURI	LAWRENCE	KS	66044
HOLIAN ASBSTS RMVL & ENCPSTLN CORP	7504 MEYER RD	SPRING GROVE	IL	60081
HOOPER CORPORATION	P O BOX 7455	MADISON	WI	53707
HORIZON GENERAL CONTRACTORS INC	7315 W ELIZABETH LN	FT WORTH	TX	76116
HORIZON GROUP INC	1325 N E BOND ST	PEORIA	IL	61603
HORIZONTAL BORING & TUNNELING CO	505 S RIVER AVE	EXETER	NE	68351
HOSPITALITY BUILDERS INC	PO BOX 1565	ABERDEEN	SD	57402
HUFF SEALING CORPORATION	HWY 15E	ALBION	IL	62806
HUTTON CONTRACTING CO INC	HWY 50	LINN	MO	65051
HY VEE WEITZ CONSTRUCTION LC	1501 50TH ST BLDG 1 #325	WEST DES MOINES	IA	50266
I & I CONSTRUCTION INC	21050 N BRADY ST STE A	DAVENPORT	IA	52804

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
IBERVILLE INSULATIONS INC	11637 SUN BELT CT	BATON ROUGE	LA	70809
ILLINI MECHANICAL INC	1024 LOWRY	PITTSFIELD	IL	62363
INDUSTRIAL MAINTENANCE CONTRACTORS INC	2301 GARDEN CITY HWY	MIDLAND	TX	79701
INDUSTRIAL POWER & PROCESS CORP	P O BOX 38995	GREENSBORO	NC	27438
INDUSTRIAL PROCESS TECHNOLOGY INC	2213 7TH AVE N	FARGO	ND	58108
INDUSTRY SERVICES CO INC	5550 TODD ACRES DR	MOBILE	AL	36619
INSTITUTE OF NUCLEAR POWER OPERATIONS	700 GALLERIA PKWY	ATLANTA	GA	30339
INTEC SERVICES INC	454 LINK LN	FT COLLINS	CO	80522
INTERSTATES CONSTRUCTION SERVICES INCORPORATED	1520 INDUSTRIAL PARK	SIOUX CENTER	IA	51250
IRBY CONSTRUCTION CO	817 S STATE ST	JACKSON	MS	39201
IVEY MECHANICAL CO A PARTNERSHIP	514 NORTH WELLS ST	KUSCIOUSKO	MS	39090
IVF LABS LLC	2712 E SWASONT WAY	SALT LAKE CITY	UT	84117
J & J CONSTRUCTION & SUPPLY INC	1136 W KANSAS	MCPHERSON	KS	67460
J & J MAINTENANCE INC	3755 CAPITAL OF TX HWY S	AUSTIN	TX	78704
JA FIELDEN CO INC	530 W FIFTH AVE	KNOXVILLE	TN	37917
JD FRANKS INC	1602 S BELTINE ROAD	DALLAS	TX	75253
JESCO INC	2020 MCCULLOUGH BLVD	TUPELO	MS	38801
JOHANSEN DRAINAGE & TILE	RT 1 BOX 152	RULO	NE	68431
JOHN A PAPALAS & CO	1187 EMPIRE	LINCOLN PARK	MI	48146
JOHN T JONES CONSTRUCTION CO	2213 7TH AVE NORTH	FARGO	ND	58108
JOHNSON INDUSTRIAL SERVICES INC	200 BENTLEY CIR	SHELBY	AL	35143
JOLLEY CONSTRUCTION COMPANY	6148 LEE HWY STE 200	CHATTANOOGA	TN	37421
JONES HYDROBLAST INC	P O BOX 309	ROYALTON	IL	62983
JULIAN CONSTRUCTION COMPANY	15521 W 110TH ST	LENEXA	KS	66219
K & M ELECTRICAL CONTRACTORS INC	940 COMMERCIAL SUITE B	ATCHISON	KS	66002
KANSAS BUILDING SYSTEMS INC	1701 SW 41ST	TOPEKA	KS	66609
KASBOHM CUSTOM DRILLING INC	11404 OAKTON RD	SAVANNA	IL	61074
KEARNEY & SON CONSTRUCTION INC	2500 NORTH 7TH ST	LAWRENCE	KS	66044
KEARNEY ELECTRIC INC	3609 E SUPERIOR AVE	PHOENIX	AZ	85040
KEELEY & SONS INC	5 LOISEL VILLAGE SHOP CTR	EAST ST LOUIS	IL	62203
KEITH AUSTIN	3001 WEDINGTON DR #106	FAYETTEVILLE	AR	72701
KELLEY DEWATERING & CONSTRUCTION CO	5175 CLAY AVENUE SW	WYOMING	MI	49548
KEOKUK CONTRACTORS INC	853 JOHNSON ST RD	KEOKUK	IA	52632
KESSLER CONSTRUCTION INC	13402 W 92ND ST	LENEXA	KS	66215
KG MOATS & SONS	9515 US HWY 63	EMMETT	KS	66422
KGL ASSOCIATES INC	759 ADAMS ST	DENVER	CO	80206
KILIAN CORPORATION THE	608 S INDEPENDENCE	MASCOUTAH	IL	62258
KINLEY CONSTRUCTION COMPANY	201 N UNION ST BNK RM 502	OLEAN	NY	14760
KINLEY CONSTRUCTION GROUP LP	4025 WOODLAND PK BLVD 410	ARLINGTON	TX	76013
KNICKERBOCKER CONSTRUCTION INC	4823 LAKEWOOD DR	NORWALK	IA	50211
KOSS CONSTRUCTION CO	4090 WESTOWN PKWY STE B	W DES MOINES	IA	50266

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KUHLMAN REFRIGERATION INC	N56W16865 RIDGEWOOD 100	MENOMONEE FALLS	WI	53051
KURISU INTERNATIONAL INC	11125 SW BARBUR BL	PORTLAND	OR	97219
L & L INSULATION & SUPPLY CO	3305 SE DELAWARE AVE	ANKENY	IA	50021
L LYON DISTRIBUTING INC	5555 ST LOUIS MILLS BLVD	HAZELWOOD (X2)	MO	63042
LAKEVIEW CONSTRUCTION OF WISCONSIN	10505 CORPORATE DR #200	PLEASANT PRAIRI	WI	53158
LARRY COX CONSTRUCTION	50 FORT COX RD	HEBER SPRINGS	AR	72543
LAW CO INC	345 RIVERVIEW ST	WICHITA	KS	67203
LEMAR CONSTRUCTION	2829 BRADY ST	DAVENPORT	IA	52803
LH SOWLES CO	2813 BRYANT AVE S	MINNEAPOLIS	MN	55408
LIMBAUGH CONSTRUCTION CO INC	4186 HWY 162	GRANITE CITY	IL	62040
LIN R ROGERS ELECTRICAL CONTRACTORS	2050 MARCONI DR STE 200	ALPHARETTA	GA	30005
LINAWEAVER CONSTRUCTION INC	719 GILMAN RD	LANSING	KS	66043
LITTLE ROCK ELECTRICAL CONTRACTORS	13008 LAWSON RD	LITTLE ROCK	AR	72210
LONGAN CONSTRUCTION COMPANY	1635 US HWY 59 N	GROVE	OK	74344
LPR CONSTRUCTION CO	1171 DES MOINES AVE	LOVELAND	CO	80537
LUNDA CONSTRUCTION CO	620 GEBHARDT RD	BLACK RIVER FAL	WI	54615
MAGUIRE IRON INC	300 W WALNUT BOX 1446	SIOUX FALLS	SD	57101
MANSION AMERICA LLC	100 NORTH PINE STREET	PITTSBURGH	KS	66762
MARRS ELECTRIC INC OF ARKANSAS	701 KAWNEER DR	SPRINGDALE	AR	72764
MCBRIDE ELECTRIC INC	3215 E 9TH N	WICHITA	KS	67208
MCCARTIN MECHANICAL CONTRACTOR INC	2999 PARKWAY DR	DECATUR	IL	62526
MCKITTRICK CONSTRUCTION	13283 BLUEJACKET	OVERLAND PARK	KS	66225
MCMASTER CONSTRUCTION INC	138 NE 46TH	OKLAHOMA CITY	OK	73105
MOPHERSON WRECKING INC	2333 BARTON RD	GRANTVILLE	KS	66429
MEADOWS CONSTRUCTION CO INC	1014 FRONT ST	TONGANOXIE	KS	66086
METROPOLITAN PAVEMENT SPECIALISTS LLC	14012 GILES RD	OMAHA	NE	68138
MEYERS TURF FARMS INC	19055 METCALF	STILWELL	KS	66085
MICHAEL CONSTRUCTION CO INC	SECONDARY RT 79 BOX 143	DRY BRANCH	WV	25061
MICRO PAVERS INC	127 FAUBER RD	E PEORIA	IL	61611
MID AMERICA ROOFING CONSTRUCTION &	1035 N 69 HWY	FRONTENAC	KS	66763
MID STATES ELECTRIC CO INC	P O BOX 156	S SIOUX CITY	NE	68776
MIDWEST CONSTRUCTION SYSTEMS INC	100 MAIN ST STE 504	LITTLE ROCK	AR	72201
MIDWEST PUMP & EQUIPMENT CO	2300 S 7TH ST	LINCOLN	NE	68502
MILLENNIUM BROKERAGE GROUP	611 COMMERCE ST S-2606	NASHVILLE	TN	37203
MILLER THE DRILLER	5125 E UNIVERSITY	DES MOINES	IA	50317
MILLERS PRO CUT	6410 W 72ND TERR	OVERLAND PARK	KS	66204
MILLS ELECTRICAL CONTRACTORS	2535 WALNUT HILL LN	DALLAS	TX	75229
MISSION TO THE AMERICAS	2530 WASHINGTON ST	DENVER	CO	80205
MJM SERVICES INC	207 N 48TH ST	BELLEVILLE	IL	62223
MORRISSEY CONTRACTING CO	705 SOUTHMOOR PL	GODFREY	IL	62035
MOUNTAIN MECHANICAL CONTRACTORS INC	903 S SCHOOL	FAYETTEVILLE	AR	72701
MOWERY BACKHOE & TRENCHER SERVICE	25374 TONGANOXIE RD	LEAVENWORTH	KS	66048

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MULANAX ELECTRIC INC	404 W DORCUS ST	ROLAND	OK	74954
MULTIMAX INC	1441 MCCORMICK DR	LARGO	MD	20774
MURPHY & SONS ROOFING	1010 NORTH 54TH ST	KANSAS CITY	KS	66102
MUSE EXCAVATION & CONSTRUCTION CO	504 S 8TH ST	ELWOOD	KS	66024
NATIONAL ABATEMENT CORPORATION	3080 N CENTER RD	FLINT	MI	48519
NATIONAL CONSTRUCTION SERVICES INC	520 LANCASTER AVE	FRAZER	PA	19355
NEBRASKA MIDWEST CONSTRUCTION COMPA	406 N 22ND ST	NEBRASKA CITY	NE	68410
NELSON INDUSTRIAL SERVICES INC	6021 MELROSE LN	OKLAHOMA CITY	OK	73127
NES TRAFFIC SAFETY LP	8770 W BRYN MAWR 4TH FLR	CHICAGO	IL	60631
NEW DIMENSION INC	631 E BIG BEAVER #109	TROY	MI	48083
NHC CONSTRUCTION LLC	5960 DEARBORN STE 15	MISSION	KS	66202
NO FAULT INDUSTRIES INC	15556 PERKINS RD	BATON ROUGE	LA	70810
NORTH COAST 88 INC	170 EAST MAIN ST	NORWALK	OH	44857
NORTH MISSISSIPPI CONVEYOR COMPANY INC	HWY 7S LAFAYETTE CO RD370	OXFORD	MS	38655
NORTHLAND CONTRACTING INC	HIGHWAY 2 EAST	SHEVLIN	MN	56676
NORTHWEST ENERGY SYSTEMS INC	315 S GREGG ST	FAYETTEVILLE	AR	72701
NOVON CONSULTING CORP	10 SOUTH 5TH ST STE 835	MINNEAPOLIS	MN	55402
NUTRIJECT SYSTEMS INC	515 5TH ST	HUDSON	IA	50643
ODONNELL & SONS CONSTRUCTION CO INC	15301 BROADMOOR ST	OVERLAND PARK	KS	66223
OFALLON ELECTRIC COMPANY	P O BOX 488	OFALLON	IL	62269
PAIGE TECHNOLOGIES LLC	5305 PIN OAK LAND	SEDALIA	MO	65301
PCL CONSTRUCTION SERVICES INC	2000 S COLORADO BLVD 2500	DENVER	CO	80222
PERMANENT PAVING INC	11011 CODY	OVERLAND PARK	KS	66210
PETERSON CONSTRUCTION	1929 W 2ND ST	WEBSTER CITY	IA	50595
PETERSON CONTRACTORS INC	104 BLACKHAWK ST	REINBECK	IA	50669
PETTUS PLUMBING & PIPING INC	P O BOX 3237	MUSCLE SHOALS	AL	35662
PHARMANET INC	504 CARNEGIE CENTER	PRINCETON	NJ	08540
PHILLIPS & JORDAN INC	6621 WILBANKS RD	KNOXVILLE	TN	37912
PINNACLE CONSTRUCTION INC	203 N CHESTNUT ST	GLENWOOD	IA	51534
PIONEER GROUP INC	8600 JUNIPER LANE	PRAIRIE VILLAGE	KS	66207
PITTSBURG TANK & TOWER CO INC	515 PENNEL ST	HENDERSON	KY	42420
PLOWMAN CONSTRUCTION COMPANY INC	905 E PARK ST	OLATHE	KS	66061
PLUM RHINO CONSULTING LLC	1010 HUNTCLIFF STE 1350	ATLANTA	GA	30350
POWER OHMES CONSTRUCTION INC	33445 W 87TH CIRCLE	DE SOTO	KS	66018
PRECAST ERECTORS INC	3500 VALLEY VISTA DR	HURST	TX	76053
PRIMARY RESIDENTIAL MORTGAGE INC	829 E CAVENDISH CIRCLE	SANDY	UT	84094
PROGRESSIVE CONTRACTORS INC	14123 42ND ST NE	ST MICHAEL	MN	55376
PULTE HOMES OF GREATER KANSAS CITY	8700 STATE LINE RD #309	LEAWOOD	KS	66206
PULTE PAYROLL CORPORATION	100 BLOOMFIELD HILLS #300	BLOOMFIELD HILLS	MI	48034
PYRAMID CONTRACTORS INC	891 W IRONWOOD RD	OLATHE	KS	66061
PYRAMID ELECTRICAL CONTRACTORS INC	300 MONTICELLO PLACE	FAIRVIEW HEIGHTS	IL	62208
QUALITY AWNING & CONSTRUCTION CO	7937 SCHAEFER RD	DEARBORN	MI	48126

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
QUALITY TRANSPORTATION SERVICES INC	5220 S CAMERON ST	LAS VEGAS	NV	89118
QUOVADX INC	6400 S FIDDLERS GREEN CIR	ENGLEWOOD	CO	80111
R & R ELECTRIC INC	HWY 75 N PO BOX 181	BRECKENRIDGE	MN	56520
R IZOKAITIS CONSTRUCTION INC	14817 GRANT ST	OMAHA	NE	68116
R MESSNER CONSTRUCTION CO INC	3595 N WEBB RD #500	WICHITA	KS	67226
RADIOLOGY STAFFING INC	13705 B ST	OMAHA	NE	68144
RCS CONSTRUCTION INC	197 OLD ST LOUIS RD	WOOD RIVER	IL	62095
RDC MANUFACTURING INC	200 LUKKEN INDUSTRIAL DR	LA GRANGE	GA	30240
REASONS CONSTRUCTION COMPANY INC	3825 EAST END DR	HUMBOLOT	TN	38343
REDNOUR STEEL ERECTORS INC	HWY 150	CUTLER	IL	62238
RENIER CONSTRUCTION CORPORATION	2164 CITY GATE DRIVE	COLUMBUS	OH	43219
RESERV CONSTRUCTION CO INC	7101 SHARONDALE CT #200	BRENTWOOD	TN	37027
RETAIL PLANNING & CONSTRUCTION INC	735 BIRCH AVE	BENSALEM	PA	19020
RETAIL STOREFRONT GROUP INC	419 MIAMI AVE	LEEDS	AL	35094
RFB CONSTRUCTION CO INC	565 E 520TH AVE	PITTSBURGH	KS	66762
RJ PITCHER INC	4575 BUCKLEY RD	LIVERPOOL	NY	13088
RMP INC	1120 W 247TH	BUCYRUS	KS	66013
ROBERT W BRITZ PAINTING COMPANY INC	14272 FRAZEE RD	DIVERNON	IL	62530
ROGERS PREMIER UNLOADING SERVICES	3801 SUNSET AVE	ROCKY MOUNT	NC	27804
ROSE LAN CONTRACTORS INC	820 CHEYENNE AVE	KANSAS CITY	KS	66105
ROYAL ELECTRIC CONSTRUCTION INC	7905 MONTICELLO RD	SHAWNEE MISSION	KS	66203
RUSSELL CONSTRUCTION CO	3032 A NORTH FRAZIER ST	CONROE	TX	77303
RUSSIAN CONCRETE CONSTRUCTION	1133 S 205TH	PITTSBURG	KS	66762
RYAN FLOORS INC	305 CARL STREET	ROCKVILLE	MD	20851
S A COMUNALE CO INC	2900 NEWPARK DR	BARBERTON	OH	44203
SA SMITH ELECTRIC INC	525 JERSEY ST	QUINCY	IL	62301
SAGEZ CONSTRUCTION INC	HC61 BOX 17	HARDIN	IL	62047
SCHUMACHER ELEVATOR COMPANY	ONE SCHUMAKER WAY	DENVER	IA	50622
SCI GENERAL CONTRACTORS INC	4530 BARKSDALE BLVD STE C	BOSSIER CITY	LA	71112
SELECTEK INC	1000 MANSELL EXC WEST 340	ALPHARETTA	GA	30022
SERRAULT SERVICES OF KANSAS INC	7625 LAKESIDE AVE	MANHATTEN	KS	66502
SERVICEMASTER DESIGN BUILD LLC	8615 FREEPORT PKWY 5-100	IRVING	TX	75063
SGT LTD I	3407 TORREY RD	FLINT	MI	48507
SHAWNEE MISSION TREE SERVICE INC	8250 COLE PKWY	SHAWNEE MSN	KS	66227
SHILOH STEEL FABRICATORS INC	200 EAST HWY 264	SPRINGDALE	AR	72764
SKYLIGHT MANUFACTURING INC	1208 ALDINE MAIL RD	HOUSTON	TX	77039
SOONER BUILDERS & INVESTMENTS INC	26005 E ADMIRAL	CATOOSA	OK	74015
SPARKS & WIEWEL CONSTRUCTION CO	6200 BROADWAY	QUINCY	IL	62301
SPARROW PLUMBING & HEATING INC	313 DELAWARE	QUINCY	IL	62301
SPINIELLO LIMITED INC	35 AIRPORT RD	MORRISTOWN	NJ	07962
STORY ENTERPRISES INC	7735 WASHINGTON AVE STE G	KANSAS CITY	KS	66112
STRINGER CONSTRUCTION COMPANY INC	6141 LUCILE AVE	SHAWNEE	KS	66203

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STUEVE CONSTRUCTION COMPANY	2201 E OAK ST	ALGONA	IA	50511
SUNCON INC	#2 TERMINAL DR STE 17A	EAST ALTON	IL	62002
SUNLAND CONSTRUCTION INC	HWY 13 SOUTH	EUNICE	LA	70535
SUPERIOR FLOORS INC	3225 N PROSPECT RD	PEORIA	IL	61603
SURFACE PREPARATION TECHNOLOGIES INC	81 TEXACO ROAD	MECHANICSBURG	PA	17055
SW FRANKS CONSTRUCTION CO	2070 WEST 3RD ST	CLEVELAND	OH	44113
SW HUFFMAN CONSTRUCTION INC	PO BOX 99	OTTUMWA	IA	52501
SWANSTON EQUIPMENT COMPANY	3404 MAIN AVE	FARGO	ND	58103
TAFT CONTRACTING CO INC	9000 W 67TH	HODGKINS	IL	60525
TECH BUILDERS INC	410 DOWNTOWN PLZ	FAIRMONT	MN	56031
TEFCO INC	11022 SAWMILL RD	ELBERFELD	IN	47613
TERRA ENGINEERING & CONSTRUCTION CORPORATION	2201 VONDRON RD	MADISON	WI	53718
TEXAS COMMERCIAL FENCE INC	320 SOUTHLAND DR	BURNET	TX	78611
TEXAS STONE & TILE INC	2683 LOMBARDY LN	DALLAS	TX	75220
THIEMS CONSTRUCTION CO INC	P O BOX 386	EDWARDSVILLE	IL	62025
THOMAS & EGENHOEFER INC	N59W14053 BOBOLINK AVE	MENOMONEE FLS	WI	53051
THOMAS L BEAR CONSTRUCTION INC	14758 202ND ST	BLOOMFIELD	IA	52537
THOMPSON ELECTRIC COMPANY OF OMAHA	P O BOX 207	SIOUX CITY	IA	51102
TIC THE INDUSTRIAL COMPANY	40185 ROUTT COUNTY RD 129	STEAMBOAT SPRGS	CO	80477
TITAN CONTRACTING & LEASING CO INC	2205 RAGU DRIVE	OWENSBORO	KY	42302
TMI COATINGS INC	2805 DODD RD	EAGAN	MN	55121
TNT CONSTRUCTION CO INC	144 EASY ST	CAROL STREAM	IL	60188
TONTO CONSTRUCTION INC	HWY 16 W 78TH ST	MUSKOGEE	OK	74401
TPQ CORPORATION	8522 E 61ST ST	TULSA	OK	74133
TRAC WORK INC	303 W KNOX	ENNIS	TX	75119
TRAYLOR BROS INC	835 N CONGRESS AVE	EVANSVILLE	IN	47715
TRI STATE PAVING INC	STATE LINE RD	PICHER	OK	74360
TRI STATE SIGNING	509 BAILEY AVE	NEW HAMPTON	IA	50659
TRIAGE CONSULTING GROUP	221 MAIN STREET STE 1100	SAN FRANCISCO	CA	94105
TRIDAQ INC	1011 LEAVENWORTH	OMAHA	NE	68102
TRIGON ENGINEERING INC	475 17TH ST STE 300	DENVER	CO	80202
TSC OF KANSAS INC	2200 W 75TH ST STE 15	PRAIRIE VILLAGE	KS	66208
TULSA INSPECTION RESOURCES INC	3105 E SKELLY DR STE 444	TULSA	OK	74105
TWIN CITY POOLS INC	948 KANSAS AVE	KANSAS CITY	KS	66105
UNIVERSAL CONTRACTING CO	1207 LUCAS	BURLINGTON	IA	52601
UNIVERSAL LIMITED INC	932 ALTON PARKWAY	BIRMINGHAM	AL	35210
US ASPHALT CO	14012 GILES RD	OMAHA	NE	68138
VERSENT GROUP LLC	13608 W 95TH ST	LENEXA	KS	66215
VINTAGE SPORTS CARDS INC	410 S TRADE CNTR PKWY #A8	CONROE	TX	77385
VISU SEWER CLEAN & SEAL INC	W230 N4855 BETKER RD	PEWAUKEE	WI	53072
VLS SYSTEMS INC	9900 MAIN ST #304	FAIRFAX	VA	22031

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VON ALST INC	2416 SMELTING WORKS RD	SWANSEA	IL	62226
VON ROLL INC	3080 NORTHWOODS CIR STE 2	NORCROSS	GA	30071
W G YATES & SONS CONSTRUCTION COMPA	104 GULLY AVENUE	PHILADELPHIA	MS	39350
WACHTER ELECTRIC COMPANY	16001 W 99TH ST	LENEXA	KS	66219
WADE & ASSOCIATES INC	2500 W 6TH ST STE E	LAWRENCE	KS	66049
WALT WAGNER CONSTRUCTION INC	305 S 5TH ST	LEAVENWORTH	KS	66048
WALTERS EXCAVATING	24060 K 68 HWY	PAOLA	KS	66071
WASATCH ELECTRIC A DIVISION OF DYNA	1420 SPRING HILL RD SE500	MCLEAN	VA	22102
WEATHERCRAFT COMPANY OF GRAND ISLAND	312 NORTH ELM STREET	GRAND ISLAND	NE	68801
WEATHERCRAFT COMPANY OF LINCOLN	545 J ST	LINCOLN	NE	68508
WEBB ELECTRIC COMPANY	34375 W 12 MILE RD	FARMINGTON HILL	MI	48331
WEBER AIR CONDITIONING CO INC	2501 CONE DR	TARRANT	AL	35217
WEITZ COMPANY LLC THE	400 LOCUST STE 300	DES MOINES	IA	50309
WELSH COMPANIES	8200 NORMANDALE BLVD #200	MINNEAPOLIS	MN	55437
WEST SIDE MECHANICAL INC	P O BOX 11247	KANSAS CITY	KS	66111
WESTERN CAROLINA PLUMBING	25 SANDTRAP RD	WAYNESVILLE	NC	28786
WESTIN CONSTRUCTION COMPANY	10828 NESBITT AVE SO	BLOOMINGTON	MN	55437
WHITE MOUNTAIN CABLE CONSTRUCTION C	OLD DOVER RD	EPSOM	NH	03234
WHITING TURNER CONTRACTING CO THE	300 E JOPPA RD	BALTIMORE	MD	21286
WILLIAMS ELECTRIC CO INC	695 DENTON BLVD	FORT WALTON BEA	FL	32547
WINTER CONSTRUCTION INC	1/4 M E ON 54 SOUTH	FORT SCOTT	KS	66701
WOODS CONSTRUCTION INC	6396 PRODUCT DRIVE	STERLING HEIGHTS	MI	48312
WORLEY CLAIMS SERVICE INC	4736 W NAPOLEAN AVE	METAIRIE	LA	70001
WR NEWMAN & ASSOCIATES INC	2854 LOGAN ST	NASHVILLE	TN	37211
YAZAKI EDS ENGINEERING INC	6800 HAGGERTY RD	CANTON	MI	48187
ZIMMERMAN CONSTRUCTION COMPANY INC	11005 W 126TH ST	OVERLAND PARK	KS	66213

Updated: 07/05/2005 8:49:20 AM

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2000 to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript.

**Notice of Corporate Dissolution
To All Creditors of and
Claimants Against
Custom Insulation Contractors, Inc.**

On July 25, 2005, CUSTOM INSULATION CONTRACTORS, INC., a Missouri corporation, filed its Articles of Dissolution with the Missouri Secretary of State. Dissolution was effective on July 25, 2005.

Said corporation requests that all persons and organizations who have claims against it present them immediately by letter to the corporation at:

Custom Insulation Contractors, Inc.
Attn: Susan Kintz
2525 Adie Road
Maryland Heights, MO 63043

Or

Kara Horton, Esq
Sandberg, Phoenix & von Gontard P.C.
One City Centre, 15th Floor
St. Louis, MO 63101

All claims must include the name and address of the claimant; the amount claimed; the basis for the claim; and the date(s) on which the event(s) on which the claim is based occurred.

NOTICE: Because of the dissolution of CUSTOM INSULATION CONTRACTORS, INC., any claims against it will be barred unless a proceeding to enforce the claim is commenced within two years after the publication date of the two notices authorized by statute, whichever is published last.

**NOTICE OF DISSOLUTION TO ALL CREDITORS
OF THE CLAIMANTS AGAINST
MIDWEST HOLDINGS 2, LLC f/k/a CMS MIDWEST, L.L.C.**

On June 10, 2005, **Midwest Holdings 2, LLC f/k/a CMS Midwest, L.L.C.**, a Missouri limited liability company (hereinafter the "Company"), filed its Notice of Winding Up with the Secretary of State, effective as of the date of filing by the Secretary of State.

The Company requests that all persons and organizations who have claims against it present them immediately, by letter, to the Company at:

Midwest Holdings 2, LLC f/k/a CMS Midwest, L.L.C.

Attn: Raymond Spears
1504 Lace Bark Court
St. Louis, MO 63055.

With a copy to:

Sandberg, Phoenix & von Gontard P.C.
Attn: Michael Forster, Esq.
One City Centre, 15th Floor
St. Louis, MO 63101

All claims must include the following information: the name, address, and telephone number of the claimant; the amount claimed; the date on which the claim arose; the basis for the claim; and documentation in support of the claim.

NOTICE: Because of the dissolution of **Midwest Holdings 2, LLC f/k/a CMS Midwest, L.L.C.**, any claims against it will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—27 (2002), 28 (2003), 29 (2004) and 30 (2005). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
OFFICE OF ADMINISTRATION					
1 CSR 10	State Officials' Salary Compensation Schedule				27 MoReg 189 27 MoReg 1724 28 MoReg 1861 29 MoReg 1610
1 CSR 10-4.010	Commissioner of Administration	This Issue	30 MoReg 1697		
1 CSR 10-8.010	Commissioner of Administration		30 MoReg 1614		
1 CSR 10-15.010	Commissioner of Administration	This Issue	30 MoReg 1698		
1 CSR 15-3.290	Administrative Hearing Commission		30 MoReg 1437		
1 CSR 15-3.350	Administrative Hearing Commission		30 MoReg 1437		
1 CSR 15-3.380	Administrative Hearing Commission		30 MoReg 1438		
1 CSR 15-3.490	Administrative Hearing Commission		30 MoReg 1438		
1 CSR 20-4.020	Personnel Advisory Board and Division of Personnel		30 MoReg 1044		
1 CSR 40-1.060	Purchasing and Materials Management		30 MoReg 1527		
1 CSR 70-1.010	Missouri Assistive Technology Advisory Council (Changed from 8 CSR 70-1.010)		30 MoReg 1441		
1 CSR 70-1.020	Missouri Assistive Technology Advisory Council (Changed from 8 CSR 70-1.020)		30 MoReg 1441		
DEPARTMENT OF AGRICULTURE					
2 CSR 30-2.010	Animal Health		30 MoReg 1529		
2 CSR 30-2.040	Animal Health		30 MoReg 685	This Issue	
2 CSR 70-11.040	Plant Industries	30 MoReg 1433	30 MoReg 1438		
2 CSR 80-5.010	State Milk Board		30 MoReg 1044	This Issue	
DEPARTMENT OF CONSERVATION					
3 CSR 10-1.010	Conservation Commission		30 MoReg 1708		
3 CSR 10-4.117	Conservation Commission		30 MoReg 1112	30 MoReg 1747	
3 CSR 10-5.205	Conservation Commission		30 MoReg 1532		
3 CSR 10-5.420	Conservation Commission		30 MoReg 1533		
3 CSR 10-6.415	Conservation Commission		30 MoReg 1112	30 MoReg 1747	
3 CSR 10-6.535	Conservation Commission		30 MoReg 1113	30 MoReg 1747	
3 CSR 10-7.410	Conservation Commission		30 MoReg 1113	30 MoReg 1747	
			30 MoReg 1533		
3 CSR 10-7.431	Conservation Commission		N.A.	30 MoReg 1570	
3 CSR 10-7.432	Conservation Commission		N.A.	30 MoReg 1571	
3 CSR 10-7.433	Conservation Commission		N.A.	30 MoReg 1571	
3 CSR 10-7.434	Conservation Commission		N.A.	30 MoReg 1572	
3 CSR 10-7.437	Conservation Commission		N.A.	30 MoReg 1573	
3 CSR 10-7.438	Conservation Commission		N.A.	30 MoReg 1573	
3 CSR 10-7.440	Conservation Commission		N.A.	30 MoReg 1748	
3 CSR 10-7.455	Conservation Commission		N.A.	30 MoReg 1573	
3 CSR 10-9.110	Conservation Commission		30 MoReg 1114	30 MoReg 1748	
3 CSR 10-9.645	Conservation Commission		30 MoReg 1114	30 MoReg 1748	
3 CSR 10-10.744	Conservation Commission		30 MoReg 1115	30 MoReg 1748	
3 CSR 10-11.115	Conservation Commission		30 MoReg 1115	30 MoReg 1748	
3 CSR 10-12.109	Conservation Commission		30 MoReg 1115	30 MoReg 1749	
3 CSR 10-12.110	Conservation Commission		30 MoReg 1116	30 MoReg 1749	
3 CSR 10-12.115	Conservation Commission		30 MoReg 1116	30 MoReg 1749	
3 CSR 10-12.125	Conservation Commission		30 MoReg 1116	30 MoReg 1749	
3 CSR 10-12.140	Conservation Commission		30 MoReg 1117	30 MoReg 1749	
3 CSR 10-12.145	Conservation Commission		30 MoReg 1118	30 MoReg 1749	
3 CSR 10-12.150	Conservation Commission		30 MoReg 1119	30 MoReg 1750	
3 CSR 10-20.805	Conservation Commission		30 MoReg 1119	30 MoReg 1750	
DEPARTMENT OF ECONOMIC DEVELOPMENT					
4 CSR 15-1.020	Acupuncturist Advisory Committee		30 MoReg 509	30 MoReg 1455	
4 CSR 15-1.030	Acupuncturist Advisory Committee		30 MoReg 509	30 MoReg 1455	
4 CSR 15-3.010	Acupuncturist Advisory Committee		30 MoReg 511	30 MoReg 1455	
4 CSR 30-5.030	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		30 MoReg 1301R 30 MoReg 1301		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 30-5.080	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		30 MoReg 1305		
4 CSR 30-8.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		30 MoReg 1310		
4 CSR 30-10.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		30 MoReg 1310R 30 MoReg 1310		
4 CSR 30-21.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		30 MoReg 1314		
4 CSR 40-3.011	Office of Athletics		30 MoReg 1314R 30 MoReg 1314		
4 CSR 40-4.090	Office of Athletics		30 MoReg 1317R 30 MoReg 1317		
4 CSR 40-5.030	Office of Athletics		30 MoReg 1321		
4 CSR 60-1.025	State Board of Barber Examiners		30 MoReg 763	30 MoReg 1750	
4 CSR 60-2.015	State Board of Barber Examiners		30 MoReg 763	30 MoReg 1750	
4 CSR 60-2.040	State Board of Barber Examiners		30 MoReg 764	30 MoReg 1750	
4 CSR 60-3.015	State Board of Barber Examiners		30 MoReg 768	30 MoReg 1751	
4 CSR 70-2.032	State Board of Chiropractic Examiners		30 MoReg 769	This Issue	
4 CSR 70-2.040	State Board of Chiropractic Examiners		30 MoReg 772	This Issue	
4 CSR 70-2.060	State Board of Chiropractic Examiners		30 MoReg 775	This Issue	
4 CSR 70-2.070	State Board of Chiropractic Examiners		30 MoReg 775	This Issue	
4 CSR 70-2.080	State Board of Chiropractic Examiners		30 MoReg 775	This Issue	
4 CSR 70-2.090	State Board of Chiropractic Examiners		30 MoReg 782 This Issue	This Issue	
4 CSR 70-3.010	State Board of Chiropractic Examiners		30 MoReg 782	This Issue	
4 CSR 95-1.020	Committee for Professional Counselors		30 MoReg 1614		
4 CSR 100	Division of Credit Unions				30 MoReg 1759 This Issue
4 CSR 110-2.071	Missouri Dental Board		30 MoReg 609	30 MoReg 1574	
4 CSR 110-2.090	Missouri Dental Board		30 MoReg 613R 30 MoReg 613	30 MoReg 1574R 30 MoReg 1574	
4 CSR 110-2.170	Missouri Dental Board		30 MoReg 616	30 MoReg 1574	
4 CSR 110-2.230	Missouri Dental Board		30 MoReg 1048R	This IssueR	
4 CSR 110-2.240	Missouri Dental Board		30 MoReg 616	30 MoReg 1575	
4 CSR 110-2.260	Missouri Dental Board		30 MoReg 1048	This Issue	
4 CSR 145-1.040	Missouri Board of Geologist Registration		30 MoReg 783	30 MoReg 1751	
4 CSR 145-2.060	Missouri Board of Geologist Registration		30 MoReg 784R 30 MoReg 784	30 MoReg 1751R 30 MoReg 1751	
4 CSR 150-2.050	State Board of Registration for the Healing Arts		30 MoReg 788	30 MoReg 1751	
4 CSR 150-2.080	State Board of Registration for the Healing Arts		30 MoReg 788	30 MoReg 1751	
4 CSR 150-2.125	State Board of Registration for the Healing Arts		30 MoReg 790	30 MoReg 1752	
4 CSR 150-2.153	State Board of Registration for the Healing Arts		30 MoReg 619	30 MoReg 1575	
4 CSR 150-3.010	State Board of Registration for the Healing Arts		30 MoReg 791	30 MoReg 1752	
4 CSR 150-3.060	State Board of Registration for the Healing Arts		30 MoReg 622	30 MoReg 1575	
4 CSR 150-4.055	State Board of Registration for the Healing Arts		30 MoReg 791	30 MoReg 1752	
4 CSR 150-6.010	State Board of Registration for the Healing Arts		30 MoReg 622R 30 MoReg 622	30 MoReg 1575R 30 MoReg 1575	30 MoReg 1668 30 MoReg 1668
4 CSR 150-6.020	State Board of Registration for the Healing Arts		30 MoReg 623	30 MoReg 1575	
4 CSR 150-6.025	State Board of Registration for the Healing Arts		30 MoReg 624	30 MoReg 1576	
4 CSR 150-6.030	State Board of Registration for the Healing Arts		30 MoReg 624	30 MoReg 1576	
4 CSR 150-6.040	State Board of Registration for the Healing Arts		30 MoReg 625	30 MoReg 1576	
4 CSR 150-6.050	State Board of Registration for the Healing Arts		30 MoReg 625	30 MoReg 1576	
4 CSR 150-6.060	State Board of Registration for the Healing Arts		30 MoReg 625	30 MoReg 1576	
4 CSR 150-6.070	State Board of Registration for the Healing Arts		30 MoReg 626	30 MoReg 1577	
4 CSR 150-7.135	State Board of Registration for the Healing Arts		30 MoReg 626 30 MoReg 1440	30 MoReg 1577	
4 CSR 195-3.010	Division of Workforce Development		30 MoReg 1322R 30 MoReg 1323		
4 CSR 195-3.020	Division of Workforce Development		30 MoReg 1328		
4 CSR 200-4.020	State Board of Nursing		This Issue		
4 CSR 220-1.010	State Board of Pharmacy		30 MoReg 42 30 MoReg 1119		
4 CSR 220-2.010	State Board of Pharmacy		30 MoReg 42 30 MoReg 1120		
4 CSR 220-2.020	State Board of Pharmacy		30 MoReg 43 30 MoReg 1120		
4 CSR 220-2.050	State Board of Pharmacy		30 MoReg 48 30 MoReg 1123		
4 CSR 220-2.100	State Board of Pharmacy		30 MoReg 1534		
4 CSR 220-4.010	State Board of Pharmacy		30 MoReg 1538		
4 CSR 220-5.020	State Board of Pharmacy		30 MoReg 1538		
4 CSR 220-5.030	State Board of Pharmacy		30 MoReg 48 30 MoReg 1123		
4 CSR 232-1.040	Missouri State Committee of Interpreters		30 MoReg 791	30 MoReg 1752	
4 CSR 232-2.030	Missouri State Committee of Interpreters		30 MoReg 792	30 MoReg 1752	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 232-3.010	Missouri State Committee of Interpreters		30 MoReg 793	30 MoReg 1752	
4 CSR 232-3.030	Missouri State Committee of Interpreters		30 MoReg 793	30 MoReg 1753	
4 CSR 233-1.040	State Committee of Marital and Family Therapists		30 MoReg 511	30 MoReg 1455	
4 CSR 240-2.061	Public Service Commission		30 MoReg 687		
4 CSR 240-2.071	Public Service Commission		30 MoReg 1332		
4 CSR 240-3.130	Public Service Commission		30 MoReg 627		
4 CSR 240-3.135	Public Service Commission		30 MoReg 628		
4 CSR 240-31.010	Public Service Commission	30 MoReg 1435	30 MoReg 1617		
4 CSR 240-31.030	Public Service Commission		30 MoReg 1617		
4 CSR 240-31.050	Public Service Commission	30 MoReg 1435	30 MoReg 1618		
4 CSR 240-31.060	Public Service Commission		30 MoReg 1619		
4 CSR 240-31.080	Public Service Commission		30 MoReg 1619		
4 CSR 240-33.045	Public Service Commission		30 MoReg 513		
4 CSR 255-1.040	Missouri Board for Respiratory Care		This Issue		
4 CSR 263-2.031	State Committee for Social Workers		30 MoReg 1708		
4 CSR 263-2.045	State Committee for Social Workers		30 MoReg 796	30 MoReg 1753	
4 CSR 263-2.047	State Committee for Social Workers		30 MoReg 796	30 MoReg 1753	
4 CSR 267-2.020	Office of Tattooing, Body Piercing and Branding		30 MoReg 516	30 MoReg 1456	
DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION					
5 CSR 50-340.110	Division of School Improvement		30 MoReg 797R		
5 CSR 50-340.200	Division of School Improvement		30 MoReg 1620R		
5 CSR 50-345.300	Division of School Improvement		30 MoReg 1620		
5 CSR 70-742.141	Special Education				30 MoReg 1759
5 CSR 80-800.200	Teacher Quality and Urban Education		30 MoReg 1621		
5 CSR 80-800.220	Teacher Quality and Urban Education		30 MoReg 1623		
5 CSR 80-800.230	Teacher Quality and Urban Education		30 MoReg 1625		
5 CSR 80-800.260	Teacher Quality and Urban Education		30 MoReg 1630		
5 CSR 80-800.270	Teacher Quality and Urban Education		30 MoReg 1632		
5 CSR 80-800.280	Teacher Quality and Urban Education		30 MoReg 1634		
5 CSR 80-800.290	Teacher Quality and Urban Education		30 MoReg 1636		
5 CSR 80-800.350	Teacher Quality and Urban Education		30 MoReg 1638		
5 CSR 80-800.360	Teacher Quality and Urban Education		30 MoReg 1640		
5 CSR 80-800.380	Teacher Quality and Urban Education		30 MoReg 1642		
5 CSR 100-200.030	Missouri Commission for the Deaf and Hard of Hearing		30 MoReg 519	30 MoReg 1456	
5 CSR 100-200.045	Missouri Commission for the Deaf and Hard of Hearing		30 MoReg 519R	30 MoReg 1456R	
			30 MoReg 519	30 MoReg 1456	
5 CSR 100-200.060	Missouri Commission for the Deaf and Hard of Hearing		30 MoReg 1440		
5 CSR 100-200.150	Missouri Commission for the Deaf and Hard of Hearing		30 MoReg 520	30 MoReg 1456	
5 CSR 100-200.170	Missouri Commission for the Deaf and Hard of Hearing		30 MoReg 520	30 MoReg 1456	
5 CSR 100-200.210	Missouri Commission for the Deaf and Hard of Hearing		30 MoReg 521	30 MoReg 1457	
5 CSR 100-200.220	Missouri Commission for the Deaf and Hard of Hearing		30 MoReg 522	30 MoReg 1457	
DEPARTMENT OF TRANSPORTATION					
7 CSR 10-2.010	Missouri Highways and Transportation Commission		30 MoReg 1708R		
7 CSR 10-9.010	Missouri Highways and Transportation Commission		30 MoReg 689	30 MoReg 1753	
7 CSR 10-9.020	Missouri Highways and Transportation Commission		30 MoReg 689	30 MoReg 1753	
7 CSR 10-9.030	Missouri Highways and Transportation Commission		30 MoReg 691	30 MoReg 1753	
7 CSR 10-9.040	Missouri Highways and Transportation Commission		30 MoReg 692	30 MoReg 1754	
7 CSR 10-9.050	Missouri Highways and Transportation Commission		30 MoReg 692	30 MoReg 1754	
7 CSR 10-9.060	Missouri Highways and Transportation Commission		30 MoReg 693	30 MoReg 1754	
7 CSR 10-25.010	Missouri Highways and Transportation Commission				30 MoReg 1177 This Issue
7 CSR 10-25.020	Missouri Highways and Transportation Commission		30 MoReg 1709		
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS					
8 CSR 20-2.010	Labor and Industrial Relations Commission		This Issue		
8 CSR 70-1.010	Missouri Assistive Technology Advisory Council (Changed to 1 CSR 70-1.010)		30 MoReg 1441		
8 CSR 70-1.020	Missouri Assistive Technology Advisory Council (Changed to 1 CSR 70-1.020)		30 MoReg 1441		
DEPARTMENT OF MENTAL HEALTH					
9 CSR 10-5.206	Director, Department of Mental Health		30 MoReg 629	This Issue	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
DEPARTMENT OF NATURAL RESOURCES					
10 CSR 10-1.030	Air Conservation Commission		30 MoReg 1332		
10 CSR 10-2.390	Air Conservation Commission		30 MoReg 797		
10 CSR 10-5.480	Air Conservation Commission		30 MoReg 818		
10 CSR 10-6.010	Air Conservation Commission		30 MoReg 1727		
10 CSR 10-6.020	Air Conservation Commission		30 MoReg 1730		
10 CSR 10-6.030	Air Conservation Commission		30 MoReg 1739		
10 CSR 10-6.040	Air Conservation Commission		30 MoReg 1740		
10 CSR 10-6.065	Air Conservation Commission		30 MoReg 153	30 MoReg 1657	30 MoReg 322
10 CSR 10-6.070	Air Conservation Commission		30 MoReg 635		
10 CSR 10-6.075	Air Conservation Commission		30 MoReg 636		
10 CSR 10-6.080	Air Conservation Commission		30 MoReg 638		
10 CSR 10-6.110	Air Conservation Commission		30 MoReg 1336		
10 CSR 10-6.360	Air Conservation Commission		30 MoReg 522	This Issue	
10 CSR 10-6.380	Air Conservation Commission		30 MoReg 549	This Issue	
10 CSR 10-6.390	Air Conservation Commission		30 MoReg 553	This Issue	
10 CSR 20-7.015	Clean Water Commission		30 MoReg 838		
10 CSR 20-7.031	Clean Water Commission		30 MoReg 843		
10 CSR 23-3.060	Geological Survey and Resource Assessment Division		30 MoReg 975		
10 CSR 23-3.100	Geological Survey and Resource Assessment Division	30 MoReg 755			
10 CSR 23-5.050	Geological Survey and Resource Assessment Division	30 MoReg 760			
10 CSR 40-10.085	Land Reclamation Commission		30 MoReg 1124		
10 CSR 140-2.020	Division of Energy				30 MoReg 574
DEPARTMENT OF PUBLIC SAFETY					
11 CSR 10-5.010	Adjutant General	This Issue	This Issue		
11 CSR 30-5.020	Office of the Director		30 MoReg 1539		
11 CSR 30-5.050	Office of the Director		30 MoReg 1539		
11 CSR 40-5.110	Division of Fire Safety		30 MoReg 1128		
11 CSR 45-1.090	Missouri Gaming Commission		30 MoReg 376	30 MoReg 1457	
11 CSR 45-5.180	Missouri Gaming Commission		30 MoReg 1644		
11 CSR 45-5.181	Missouri Gaming Commission		30 MoReg 1644		
11 CSR 45-5.190	Missouri Gaming Commission		30 MoReg 977		
11 CSR 45-5.200	Missouri Gaming Commission		30 MoReg 376	30 MoReg 1457	
11 CSR 45-5.210	Missouri Gaming Commission		30 MoReg 980		
11 CSR 45-9.030	Missouri Gaming Commission		30 MoReg 982		
11 CSR 80-9.020	Missouri State Water Patrol		30 MoReg 555	30 MoReg 1457	
DEPARTMENT OF REVENUE					
12 CSR 10-2.195	Director of Revenue		30 MoReg 982R		
12 CSR 10-23.428	Director of Revenue	30 MoReg 1491R	30 MoReg 1539R		
12 CSR 10-24.050	Director of Revenue		30 MoReg 1051	This Issue	
12 CSR 10-24.335	Director of Revenue		30 MoReg 1741		
12 CSR 10-24.428	Director of Revenue		30 MoReg 1051	This Issue	
12 CSR 10-24.444	Director of Revenue		30 MoReg 1052	This Issue	
12 CSR 10-24.448	Director of Revenue	30 MoReg 1603	30 MoReg 1645		
12 CSR 10-24.474	Director of Revenue		30 MoReg 1052	This Issue	
12 CSR 10-107.100	Director of Revenue		30 MoReg 1345		
12 CSR 10-405.100	Director of Revenue	30 MoReg 603	30 MoReg 639	30 MoReg 1663	
12 CSR 10-405.200	Director of Revenue	30 MoReg 604	30 MoReg 643	30 MoReg 1663	
12 CSR 10-500.210	Director of Revenue		30 MoReg 1052	This IssueW	
DEPARTMENT OF SOCIAL SERVICES					
13 CSR 35-80.020	Children's Division	30 MoReg 1491	30 MoReg 1540		
13 CSR 40-2.200	Family Support Division	This Issue	30 MoReg 1647		
13 CSR 40-2.240	Family Support Division		30 MoReg 1540R		
13 CSR 40-2.375	Family Support Division	30 MoReg 1436	30 MoReg 1441		
13 CSR 40-2.380	Family Support Division		30 MoReg 1542R		
13 CSR 40-110.020	Family Support Division	30 MoReg 605R	30 MoReg 647R	30 MoReg 1755R	
13 CSR 40-110.030	Family Support Division		30 MoReg 561	30 MoReg 1755W	
13 CSR 70-2.020	Division of Medical Services	30 MoReg 1522R	30 MoReg 1542R		
13 CSR 70-3.020	Division of Medical Services		30 MoReg 1130		
13 CSR 70-3.030	Division of Medical Services		30 MoReg 1345		
13 CSR 70-3.160	Division of Medical Services		30 MoReg 1130		
13 CSR 70-3.170	Division of Medical Services		30 MoReg 1444		
13 CSR 70-4.050	Division of Medical Services		30 MoReg 1350		
13 CSR 70-4.080	Division of Medical Services		30 MoReg 1131		
13 CSR 70-4.090	Division of Medical Services	30 MoReg 1522	30 MoReg 1544		
13 CSR 70-4.100	Division of Medical Services	30 MoReg 1109	30 MoReg 1137		
13 CSR 70-4.110	Division of Medical Services		30 MoReg 1354		
13 CSR 70-5.010	Division of Medical Services		30 MoReg 1357		
13 CSR 70-10.015	Division of Medical Services	30 MoReg 761 30 MoReg 1605	30 MoReg 982	30 MoReg 1755	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
13 CSR 70-10.080	Division of Medical Services	30 MoReg 761 30 MoReg 1607	30 MoReg 987	30 MoReg 1758	
13 CSR 70-15.010	Division of Medical Services		30 MoReg 1549		
13 CSR 70-15.030	Division of Medical Services		30 MoReg 1554		
13 CSR 70-15.080	Division of Medical Services		30 MoReg 1556R		
13 CSR 70-15.110	Division of Medical Services	30 MoReg 1525	30 MoReg 1558		
13 CSR 70-15.160	Division of Medical Services		30 MoReg 1560		
13 CSR 70-35.010	Division of Medical Services		30 MoReg 1562		
13 CSR 70-40.010	Division of Medical Services		30 MoReg 1448		
13 CSR 70-45.010	Division of Medical Services		30 MoReg 1649		
13 CSR 70-60.010	Division of Medical Services		30 MoReg 1566		
13 CSR 70-90.010	Division of Medical Services		30 MoReg 1450		
13 CSR 70-91.010	Division of Medical Services		30 MoReg 1139		
13 CSR 70-97.010	Division of Medical Services		30 MoReg 1450		
13 CSR 70-99.010	Division of Medical Services		30 MoReg 1451		
ELECTED OFFICIALS					
15 CSR 30-50.030	Secretary of State		30 MoReg 1742		
15 CSR 60-13.060	Attorney General		30 MoReg 693	30 MoReg 1758	
RETIREMENT SYSTEMS					
16 CSR 50-2.035	The County Employees' Retirement Fund		30 MoReg 1742		
16 CSR 50-2.110	The County Employees' Retirement Fund		30 MoReg 647	30 MoReg 1577	
16 CSR 50-10.050	The County Employees' Retirement Fund		30 MoReg 1139		
DEPARTMENT OF HEALTH AND SENIOR SERVICES					
19 CSR 20-1.025	Division of Environmental Health and Communicable Disease Prevention		30 MoReg 647	30 MoReg 1665	
19 CSR 20-1.060	Division of Environmental Health and Communicable Disease Prevention		30 MoReg 1056R		
19 CSR 20-2.010	Division of Environmental Health and Communicable Disease Prevention		30 MoReg 1056R		
19 CSR 20-2.030	Division of Environmental Health and Communicable Disease Prevention		30 MoReg 1056R		
19 CSR 20-3.050	Division of Environmental Health and Communicable Disease Prevention		30 MoReg 1141R 30 MoReg 1141		
19 CSR 20-20.080	Division of Environmental Health and Communicable Disease Prevention		30 MoReg 1056		
19 CSR 30-81.030	Division of Health Standards and Licensure	30 MoReg 1608	30 MoReg 1651		
19 CSR 30-86.022	Division of Health Standards and Licensure		This Issue		
19 CSR 60-50	Missouri Health Facilities Review Committee				30 MoReg 1578 30 MoReg 1759
19 CSR 60-50.430	Missouri Health Facilities Review Committee	30 MoReg 1525	30 MoReg 1569		
19 CSR 73-2.050	Missouri Board of Nursing Home Administrators		30 MoReg 1357		
DEPARTMENT OF INSURANCE					
20 CSR	Medical Malpractice				28 MoReg 489 29 MoReg 505 30 MoReg 481
20 CSR	Sovereign Immunity Limits				27 MoReg 2319 28 MoReg 2265 30 MoReg 108
20 CSR 200-6.600	Financial Examination		30 MoReg 698R	30 MoReg 1758R	
20 CSR 300-2.200	Market Conduct Examinations		30 MoReg 988	This Issue	
20 CSR 400-1.020	Life, Annuities and Health		30 MoReg 1068		
20 CSR 400-3.650	Life, Annuities and Health	30 MoReg 1219	30 MoReg 1358		
20 CSR 400-5.600	Life, Annuities and Health		This Issue		
20 CSR 400-7.095	Life, Annuities and Health		This Issue		
20 CSR 400-10.100	Life, Annuities and Health		30 MoReg 1159		
20 CSR 700-1.145	Licensing	30 MoReg 1043	30 MoReg 1068		
20 CSR 700-1.146	Licensing		30 MoReg 1743		
20 CSR 700-1.147	Licensing		30 MoReg 1743		
MISSOURI FAMILY TRUST					
21 CSR 10-1.010	Director and Board of Trustees		30 MoReg 1161		
21 CSR 10-1.020	Director and Board of Trustees		30 MoReg 1161		
21 CSR 10-1.030	Director and Board of Trustees		30 MoReg 1162		
21 CSR 10-2.010	Director and Board of Trustees		30 MoReg 1162		
21 CSR 10-3.010	Director and Board of Trustees		30 MoReg 1167		
21 CSR 10-4.010	Director and Board of Trustees		30 MoReg 1168		
21 CSR 10-4.020	Director and Board of Trustees		30 MoReg 1168		

Agency	Publication	Expiration
Office of Administration		
Commissioner of Administration		
1 CSR 10-4.010 State of Missouri Vender Payroll Deductions	This Issue	February 27, 2006
1 CSR 10-15.010 Cafeteria Plan	This Issue	February 27, 2006
Department of Agriculture		
Plant Industries		
2 CSR 70-11.040 Bakanae of Rice Exterior Quarantine	30 MoReg 1433	November 23, 2005
Department of Economic Development		
Public Service Commission		
4 CSR 240-31.010 Definitions	30 MoReg 1435	February 15, 2006
4 CSR 240-31.050 Eligibility for Funding—Low-Income Customers and Disabled Customers	30 MoReg 1435	February 15, 2006
Division of Motor Carrier and Railroad Safety		
4 CSR 265-10.020 Licensing of Vehicles	Next Issue	February 23, 2006
Department of Transportation		
Motor Carrier and Railroad Safety		
7 CSR 265-10.020 Licensing of Vehicles	Next Issue	February 23, 2006
Department of Natural Resources		
Geological Survey and Resource Assessment Division		
10 CSR 23-3.100 Sensitive Areas	30 MoReg 755	September 27, 2005
10 CSR 23-5.050 Construction Standards for Closed-Loop Heat Pump Wells	30 MoReg 760	September 27, 2005
Department of Public Safety		
Adjutant General		
11 CSR 10-5.010 Missouri Veteran's Recognition Program	This Issue	January 24, 2006
Department of Revenue		
Director of Revenue		
12 CSR 10-23.428 All Terrain Vehicles Modified for Highway Use	30 MoReg 1491	December 16, 2005
12 CSR 10-24.448 Documents Required for Issuance of a Driver or Nondriver License or Instruction Permit	30 MoReg 1603	December 29, 2005
12 CSR 10-405.100 Homestead Preservation Credit—Procedures	30 MoReg 603	September 15, 2005
12 CSR 10-405.200 Homestead Preservation Credit—Qualifications and Amount of Credit	30 MoReg 604	September 15, 2005
Department of Social Services		
Children Division		
13 CSR 35-80.020 Residential Care Agency Cost Reporting System	30 MoReg 1491	December 27, 2005
Family Support Division		
13 CSR 40-2.200 Determining Eligibility for Medical Assistance	This Issue	February 23, 2006
13 CSR 40-2.375 Medical Assistance for Families	30 MoReg 1436	December 27, 2005
13 CSR 40-110.020 Federal Income Tax Refund Offset Fee	30 MoReg 605	September 25, 2005
Division of Medical Services		
13 CSR 70-2.020 Scope of Medical Services for General Relief Recipients	30 MoReg 1522	December 27, 2005
13 CSR 70-4.050 Copayment and Coinsurance for Certain Medicaid-Covered Services	Next Issue	February 27, 2006
13 CSR 70-4.080 Children's Health Insurance Program	Next Issue	February 27, 2006
13 CSR 70-4.090 Uninsured Women's Health Program	30 MoReg 1522	December 27, 2005
13 CSR 70-4.100 Preventing Medicaid Payment of Expenses Used to Meet Spenddown	30 MoReg 1109	October 31, 2005
13 CSR 70-4.110 Placement of Liens on Property of Certain Institutionalized Medicaid Eligible Persons	Next Issue	February 27, 2006
13 CSR 70-10.015 Prospective Reimbursement Plan for Nursing Facility Services	30 MoReg 761	September 27, 2005
13 CSR 70-10.015 Prospective Reimbursement Plan for Nursing Facility Services	30 MoReg 1605	December 27, 2005
13 CSR 70-10.080 Prospective Reimbursement Plan for HIV Nursing Facility Services	30 MoReg 761	September 27, 2005
13 CSR 70-10.080 Prospective Reimbursement Plan for HIV Nursing Facility Services	30 MoReg 1607	December 27, 2005
13 CSR 70-15.110 Federal Reimbursement Allowance (FRA)	30 MoReg 1525	December 13, 2005
13 CSR 70-35.010 Dental Benefits and Limitations, Medicaid Program	October 3, 2005	February 27, 2006
13 CSR 70-40.010 Optical Care Benefits and Limitations—Medicaid Program	Next Issue	February 27, 2006
13 CSR 70-45.010 Hearing Aid Program	Next Issue	February 27, 2006
13 CSR 70-60.010 Durable Medicaid Equipment Program	Next Issue	February 27, 2006
13 CSR 70-90.010 Home Health-Care Services	Next Issue	February 27, 2006

13 CSR 70-97.010	Health Insurance Premium Payment (HIPP) Program	October 3, 2005	February 27, 2006
13 CSR 70-99.010	Comprehensive Day Rehabilitation Program	Next Issue	February 27, 2006

Department of Health and Senior Services

Division of Senior Services and Regulation

19 CSR 30-1.032	Security for Nonpractitioners	October 3, 2005	February 23, 2006
19 CSR 30-1.074	Dispensing Without a Prescription	October 3, 2005	February 23, 2006
19 CSR 30-81.030	Evaluation and Assessment Measures for Title XIX Recipients and Applicants in Long-Term Care Facilities	30 MoReg 1608	December 27, 2005

Missouri Health Facilities Review Committee

19 CSR 60-50.430	Application Package	30 MoReg 1525	December 30, 2005
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Department of Insurance

General Administration

20 CSR 10-2.400	Records	October 3, 2005	February 23, 2006
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Life, Annuities and Health

20 CSR 400-3.650	Medicare Supplement Insurance Minimum Standards Act	30 MoReg 1219	February 2, 2006
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Licensing

20 CSR 700-1.145	Demonstrating Incompetence, Untrustworthiness or Financial Irresponsibility in the Conduct of Variable Life and Variable Annuity Business by Insurance Producers	30 MoReg 1043	January 1, 2006
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**Executive
Orders****Subject Matter****2005****Filed Date****Publication**

05-01	Rescinds Executive Order 01-09	January 11, 2005	30 MoReg 261
05-02	Restricts new lease and purchase of vehicles, cellular phones, and office space by executive agencies	January 11, 2005	30 MoReg 262
05-03	Closes state's Washington D.C. office	January 11, 2005	30 MoReg 264
05-04	Authorizes Transportation Director to issue declaration of regional or local emergency with reference to motor carriers	January 11, 2005	30 MoReg 266
05-05	Establishes the 2005 Missouri State Government Review Commission	January 24, 2005	30 MoReg 359
05-06	Bans the use of video games by inmates in all state correctional facilities	January 24, 2005	30 MoReg 362
05-07	Consolidates the Office of Information Technology to the Office of Administration's Division of Information Services	January 26, 2005	30 MoReg 363
05-08	Consolidates the Division of Design and Construction to Division of Facilities Management, Design and Construction	February 2, 2005	30 MoReg 433
05-09	Transfers the Missouri Head Injury Advisory Council to the Department of Health and Senior Services	February 2, 2005	30 MoReg 435
05-10	Transfers and consolidates in-home care for elderly and disabled individuals from the Department of Elementary and Secondary Education and the Department of Social Services to the Department of Health and Senior Services	February 3, 2005	30 MoReg 437
05-11	Rescinds Executive Order 04-22 and orders the Department of Health and Senior Services and all Missouri health care providers and others that possess influenza vaccine adopt the Center for Disease Control and Prevention, Advisory Committee for Immunization Practices expanded priority group designations as soon as possible and update the designations as necessary	February 3, 2005	30 MoReg 439
05-12	Designates members of staff with supervisory authority over selected state agencies	March 8, 2005	30 MoReg 607
05-13	Establishes the Governor's Advisory Council for Plant Biotechnology	April 26, 2005	30 MoReg 1110
05-14	Establishes the Missouri School Bus Safety Task Force	May 17, 2005	30 MoReg 1299
05-15	Establishes the Missouri Task Force on Eminent Domain	June 28, 2005	30 MoReg 1610
05-16	Transfers all power, duties and functions of the State Board of Mediation to the Labor and Industrial Relations Commission of Missouri	July 1, 2005	30 MoReg 1612
05-17	Declares a DROUGHT ALERT for the counties of Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Howell, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Pike, Ralls, Reynolds, Ripley, Ste. Francois, Ste. Genevieve, Scott, Shannon, Stoddard and Wayne	July 5, 2005	30 MoReg 1693
05-18	Directs the Director of the Department of Insurance to adopt rules to protect consumer privacy while providing relevant information about insurance companies to the public	July 12, 2005	30 MoReg 1695
05-19	Creates the Insurance Advisory Panel to provide advice to the Director of Insurance	July 19, 2005	This Issue
05-20	Establishes the Missouri Homeland Security Advisory Council. Creates the Division of Homeland Security within the Department of Public Safety. Rescinds Executive Orders 02-15 and 02-16	July 21, 2005	This Issue

2004

04-01	Establishes the Public Safety Officer Medal of Valor, and the Medal of Valor Review Board	February 3, 2004	29 MoReg 294
04-02	Designates staff having supervisory authority over agencies	February 3, 2004	29 MoReg 297
04-03	Creates the Missouri Automotive Partnership	January 14, 2004	29 MoReg 151
04-04	Creates the Missouri Methamphetamine Education and Prevention Task Force	January 27, 2004	29 MoReg 154
04-05	Establishes a Missouri Methamphetamine Treatment Task Force	January 27, 2004	29 MoReg 156
04-06	Establishes a Missouri Methamphetamine Enforcement and Environmental Protection Task Force	January 27, 2004	29 MoReg 158
04-07	Establishes the Missouri Commission on Patient Safety and supercedes Executive Order 03-16	February 3, 2004	29 MoReg 299
04-08	Transfers the Governor's Council on Disability and the Missouri Assistive Technology Advisory Council to the Office of Administration	February 3, 2004	29 MoReg 301
04-09	Requires vendors to disclose services performed offshore. Restricts agencies in awarding contracts to vendors of offshore services	March 17, 2004	29 MoReg 533

Executive Orders	Subject Matter	Filed Date	Publication
04-10	Grants authority to Director of Department of Natural Resources to temporarily waive regulations during periods of emergency and recovery	May 28, 2004	29 MoReg 965
04-11	Declares regional state of emergency because of the need to repair electrical outages by various contractors, including a Missouri contractor. Allows temporary exemption from federal regulations	May 28, 2004	29 MoReg 967
04-12	Declares emergency conditions due to severe weather in all Northern and Central Missouri counties	June 4, 2004	29 MoReg 968
04-13	Declares June 11, 2004 to be day of mourning for President Ronald Reagan	June 7, 2004	29 MoReg 969
04-14	Establishes an Emancipation Day Commission. Requests regular observance of Emancipation Proclamation on June 19	June 17, 2004	29 MoReg 1045
04-15	Declares state of emergency due to lost electrical service in St. Louis region	July 7, 2004	29 MoReg 1159
04-19	Implements the EMAC with the State of Florida, activates the EMAC plan, and authorizes the use of the Missouri National Guard	September 10, 2004	29 MoReg 1430
04-20	Reestablishes the Poultry Industry Committee	September 14, 2004	29 MoReg 1432
04-21	Directs the creation of the Forest Utilization Committee within the Missouri Department of Conservation	September 14, 2004	29 MoReg 1434
04-22	Requests health care providers limit influenza vaccinations to high risk persons. Orders various actions by providers, Missouri Department of Health and Senior Services, and Attorney General's Office regarding influenza vaccine supply.	October 25, 2004	29 MoReg 1683
04-23	Creates the Forest Utilization Committee within the Missouri Department of Conservation. Supersedes and rescinds Executive Order 04-21	October 22, 2004	29 MoReg 1685
04-24	Rescinds Executive Order 03-15	October 22, 2004	29 MoReg 1687
04-25	Rescinds Executive Order 03-27	October 22, 2004	29 MoReg 1688
04-26	Authorizes Adjutant General to recognize Noncommissioned Officers with a First Sergeant's ribbon	November 1, 2004	29 MoReg 1791
04-27	Closes state offices Friday November 26, 2004	November 1, 2004	29 MoReg 1792
04-28	Closes state offices Monday, January 10, 2005	December 6, 2004	29 MoReg 2256
04-29	Rescinds Executive Order 04-22	January 4, 2005	30 MoReg 147

The rule number and the MoReg publication date follow each entry to this index.

ACUPUNCTURIST ADVISORY COMMITTEE

credentials, name, address changes; 4 CSR 15-1.020; 3/15/05, 7/1/05
fees; 4 CSR 15-1.030; 3/15/05, 7/1/05
standards of practice; 4 CSR 15-3.010; 3/15/05, 7/1/05

ADMINISTRATIVE HEARING COMMISSION

answers, pleadings; 1 CSR 15-3.380; 7/1/05
complaints; 1 CSR 15-3.350; 7/1/05
filing of documents, fax, posting of bond; 1 CSR 15-3.290; 7/1/05
hearings; 1 CSR 15-3.490; 7/1/05

ADMINISTRATION, OFFICE OF

cafeteria plan; 1 CSR 10-15.010; 8/15/05; 9/1/05
direct deposit of payroll requirements; 1 CSR 10-8.010; 8/1/05
vendor
payroll deductions; 1 CSR 10-4.010; 8/15/05; 9/1/05
registration, bidding, suspension, debarment;
1 CSR 40-1.060; 7/15/05

AGRICULTURE, DEPARTMENT OF

value-added loan guarantee program; 2 CSR 100-7.010; 1/18/05, 5/2/05
tax credits; 2 CSR 100-10.010; 1/18/05, 5/2/05

AIR QUALITY, POLLUTION

ambient air quality standards; 10 CSR 10-6.010; 8/15/05
definitions; 10 CSR 10-6.020; 8/15/05
reference methods; 10 CSR 10-6.040; 8/15/05
sampling methods for air pollution sources; 10 CSR 10-6.030; 8/15/05
appeals, requests for hearings; 10 CSR 10-1.030; 6/15/05
conformity to state and federal plans, programs
Kansas City; 10 CSR 10-2.390; 5/2/05
St. Louis; 10 CSR 10-5.480; 5/2/05
emissions
data, fees, process information; 10 CSR 10-6.110; 6/15/05
electric generating units, non-electric generating boilers;
10 CSR 10-6.360; 3/15/05, 9/1/05
hazardous air pollutants; 10 CSR 10-6.080; 4/1/05
large internal combustion engines; 10 CSR 10-6.390; 3/15/05, 9/1/05
Portland cement kilns; 10 CSR 10-6.380; 3/15/05, 9/1/05
maximum achievable control technology; 10 CSR 10-6.075; 4/1/05
new source performance regulations; 10 CSR 10-6.070; 4/1/05
operating permits; 10 CSR 10-6.065; 1/18/05, 2/1/05, 8/1/05

AMUSEMENT PARKS

exemptions; 11 CSR 40-6.025; 11/15/04, 3/1/05
inspections; 11 CSR 40-6.031; 11/15/04, 3/1/05
itinerary required; 11 CSR 40-6.033; 11/15/04, 3/1/05
liability insurance; 11 CSR 40-6.040; 11/15/04, 3/1/05
operator, requirements; 11 CSR 40-6.080; 11/15/04, 3/1/05
owner, maintain records; 11 CSR 40-6.075; 11/15/04, 3/1/05
terms, defined; 11 CSR 40-6.020; 11/15/04, 3/1/05

ANIMAL HEALTH

admission of livestock; 2 CSR 30-2.010; 5/16/05, 7/15/05
exhibition, requirements; 2 CSR 30-2.040; 4/15/05, 9/1/05
ice cream containers, tags; 2 CSR 30-22.010; 12/15/04, 4/1/05
inspection of meat and poultry; 2 CSR 30-10.010; 12/15/04, 4/1/05

ARCHITECTS, PROFESSIONAL ENGINEERS, PROFESSIONAL LAND SURVEYORS, LANDSCAPE ARCHITECTS

admission to examination

architects; 4 CSR 30-5.030; 6/15/05
engineers; 4 CSR 30-5.080; 6/15/05
certificate of authority; 4 CSR 30-10.010; 6/15/05
complaints, procedure; 4 CSR 30-12.010; 12/1/04, 5/2/05
fire suppression systems, design of; 4 CSR 30-21.010; 6/15/05
land surveyor; 4 CSR 30-8.020; 6/15/05
reexamination; 4 CSR 30-5.060; 1/3/05, 5/2/05

ASSISTIVE TECHNOLOGY ADVISORY COUNCIL, MISSOURI

assistive technology loan program; 8 CSR 70-1.020 (changed to 1 CSR 70-1.020); 7/1/05
telecommunications access program; 8 CSR 70-1.010 (changed to 1 CSR 70-1.010); 7/1/05

ATHLETIC TRAINERS

applicants; 4 CSR 150-6.020; 4/1/05, 7/15/05
code of ethics; 4 CSR 150-6.040; 4/1/05, 7/15/05
definitions; 4 CSR 150-6.010; 4/1/05, 7/15/05
examinations; 4 CSR 150-6.025; 4/1/05, 7/15/05
fees; 4 CSR 150-6.050; 4/1/05, 7/15/05
registration
by reciprocity; 4 CSR 150-6.030; 4/1/05, 7/15/05
renewal of; 4 CSR 150-6.060; 4/1/05, 7/15/05
supervision
changes, name, address, physician; 4 CSR 150-6.070; 4/1/05, 7/15/05

ATHLETICS, OFFICE OF

contestants; 4 CSR 40-4.090; 6/15/05
tickets, taxes; 4 CSR 40-3.011; 6/15/05
wrestling, professional; 4 CSR 40-5.030; 6/15/05

ATTORNEY GENERAL, OFFICE OF THE

legal expense fund
contract procedures; 15 CSR 60-14.020; 10/15/04, 3/1/05
definitions; 15 CSR 60-14.010; 10/15/04, 3/1/05
documentation of legal practice; 15 CSR 60-14.030; 10/15/04, 3/1/05
no-call database, fee established; 15 CSR 60-13.060; 4/15/05, 8/15/05

BARBER EXAMINERS, STATE BOARD OF

fees; 4 CSR 60-1.025; 11/15/04, 3/15/05, 5/2/05, 8/15/05
licensure by examination; 4 CSR 60-2.015; 5/2/05, 8/15/05
schools/colleges, rules, curriculum; 4 CSR 60-3.015; 5/2/05, 8/15/05
shops; 4 CSR 60-2.040; 5/2/05, 8/15/05

BEVERAGE MANUFACTURERS AND DISTRIBUTORS

licensing, collection of fees; 19 CSR 20-1.060; 5/16/05

BINGO

bank account; 11 CSR 45-30.220; 1/3/05, 5/2/05
card; 11 CSR 45-30.035; 1/3/05, 5/2/05
contraband; 11 CSR 45-30.545; 1/3/05, 5/2/05
electronic bingo card monitoring devices; 11 CSR 45-30.600; 1/3/05, 5/2/05
equipment; 11 CSR 45-30.160; 1/3/05, 5/2/05
co-ownership of equipment; 11 CSR 45-30.290; 1/3/05, 5/2/05
defined; 11 CSR 45-30.155; 1/3/05, 5/2/05
leases, reasonable market rental rate; 11 CSR 45-30.300; 1/3/05, 5/2/05
game operation definitions; 11 CSR 45-30.205; 1/3/05, 5/2/05
games, special; 11 CSR 45-30.030; 1/3/05, 5/2/05

gross receipts; 11 CSR 45-30.050; 1/3/05, 5/2/05
inventory, ownership, leasing of equipment; 11 CSR 45-30.180;
1/3/05, 5/2/05
leased locations; 11 CSR 45-30.240; 1/3/05, 5/2/05
license, regular bingo; 11 CSR 45-30.070; 1/3/05, 5/2/05
market rental for leased premises; 11 CSR 45-30.235; 1/3/05,
5/2/05
merchandise prizes; 11 CSR 45-30.200; 1/3/05, 5/2/05
net receipts from bingo; 11 CSR 45-30.280; 1/3/05, 5/2/05
occasions; 11 CSR 45-30.040; 1/3/05, 6/1/05
operators; 11 CSR 45-30.060; 1/3/05, 5/2/05
organization; 11 CSR 4-30.175; 1/3/05, 5/2/05
participation; 11 CSR 45-30.340; 1/3/05, 5/2/05
premises defined, inspections, gambling devices prohibited;
11 CSR 45-30.270; 1/3/05, 5/2/05
progressive games; 11 CSR 45-30.370; 1/3/05, 5/2/05
promotions; 11 CSR 45-30.025; 1/3/05, 5/2/05
pull-tab cards; 11 CSR 45-30.350; 1/3/05, 5/2/05
pull-tab packaging, assembly, distribution; 11 CSR 45-30.575;
1/3/05, 5/2/05
record keeping requirements, supplier; 11 CSR 45-30.525; 1/3/05,
5/2/05
records required; 11 CSR 45-30.170; 1/3/05, 5/2/05
sale of pull-tab cards; 11 CSR 45-30.355; 1/3/05, 6/1/05
reports; 11 CSR 45-30.210; 1/3/05, 5/2/05
worker-player; 11 CSR 45-30.140; 1/3/05, 5/2/05
workers; 11 CSR 45-30.135; 1/3/05, 6/1/05

BOATER SAFETY, MANDATORY EDUCATION PROGRAM
permits, temporary nonresident rental vessel operators;
11 CSR 80-9.020; 3/15/05, 7/1/05

CERTIFICATE OF NEED PROGRAM
application package; 19 CSR 60-50.430; 7/15/05

CHILDREN'S DIVISION
accreditation, licensing; 13 CSR 35-50.010; 2/1/05, 5/16/05
child abuse/neglect hotline reports; 13 CSR 35-20.010; 12/15/04,
5/2/05
residential care cost reporting system; 13 CSR 35-80.020;
7/15/05
residential foster care maintenance methodology; 13 CSR 35-
80.010; 2/15/05
voluntary placement agreement; 13 CSR 35-30.010; 2/1/05,
5/16/05

CHIROPRACTIC EXAMINERS, STATE BOARD OF
application for licensure; 4 CSR 70-2.040; 5/2/05, 9/1/05
certification, specialty; 4 CSR 70-2.032; 5/2/05, 9/1/05
fees; 4 CSR 70-2.090; 5/2/05, 9/1/05
license renewal, biennial; 4 CSR 70-2.080; 5/2/05, 9/1/05
preceptorship; 4 CSR 70-3.010; 5/2/05, 9/1/05
reciprocity; 4 CSR 70-2.070; 5/2/05, 9/1/05
rules, professional conduct; 4 CSR 70-2.060; 5/2/05, 9/1/05

CLEAN WATER COMMISSION
effluent regulations; 10 CSR 20-7.015; 5/2/05
water quality standards; 10 CSR 20-7.031; 5/2/05

CONSERVATION COMMISSION
boats, motors; 3 CSR 10-12.110; 6/1/05, 8/15/05
breeders, wildlife; 3 CSR 10-9.353; 2/2/04, 4/15/04
bullfrogs and green frogs; 3 CSR 10-12.115; 6/1/05, 8/15/05
closed hours; 3 CSR 10-12.109; 6/1/05, 8/15/05
closings; 3 CSR 10-11.115; 6/1/05, 8/15/05
deer hunting
archery season; 3 CSR 10-7.432; 7/15/05
firearms seasons; 3 CSR 10-7.433; 7/15/05
landowner privileges; 3 CSR 10-7.434; 7/15/05
seasons; 3 CSR 10-7.431; 7/15/05

definitions; 3 CSR 10-20.805; 6/1/05, 8/15/05
department area regulations; 3 CSR 10-7.438; 7/15/05
fishing
daily and possession limits; 3 CSR 10-12.140; 2/1/05, 6/1/05,
8/15/05
length limits; 3 CSR 10-12.145; 6/1/05, 8/15/05
methods; 3 CSR 10-6.410; 3/1/05, 5/16/05
3 CSR 10-12.135; 3/1/05
trout parks; 3 CSR 10-12.150; 6/1/05, 8/15/05
hand fishing, experimental, catfish; 3 CSR 10-6.511; 2/1/05
hunting methods; 3 CSR 10-7.410; 6/1/05, 8/15/05; 7/15/05
hunting, trapping; 3 CSR 10-12.125; 6/1/05, 8/15/05
migratory game birds; 3 CSR 10-7.440; 8/15/05
organization, method of operations; 3 CSR 10-1.010; 8/15/05
permit
required, exceptions; 3 CSR 10-5.205; 7/15/05
trout fishing; 3 CSR 10-9.645; 6/1/05, 8/15/05
youth deer and turkey; 3 CSR 10-5.420; 7/15/05
prohibitions
applications; 3 CSR 10-9.110; 6/1/05, 8/15/05
restricted zones; 3 CSR 10-6.415; 6/1/05, 8/15/05
species, prohibited; 3 CSR 10-4.117; 6/1/05, 8/15/05
trout; 3 CSR 10-6.535; 6/1/05, 8/15/05
turkey; 3 CSR 10-7.455; 2/1/05; 7/15/05

COUNSELORS, COMMITTEE FOR PROFESSIONAL
acceptable agents; 4 CSR 95-1.030; 1/3/05, 5/2/05
application; 4 CSR 95-1.010; 1/3/05, 5/2/05
licensure; 4 CSR 95-2.065; 1/3/05, 5/2/05
client welfare; 4 CSR 95-3.015; 1/3/05, 5/2/05
complaint handling, disposition procedures; 4 CSR 95-1.050;
4 CSR 95-4.010; 1/3/05, 5/2/05
definitions; 4 CSR 95-3.020; 1/3/05, 5/2/05
disciplinary rules
assessment; 4 CSR 95-3.160; 1/3/05, 5/2/05
client relationships; 4 CSR 95-3.060; 1/3/05, 5/2/05
competence; 4 CSR 95-3.200; 1/3/05, 5/2/05
confidentiality; 4 CSR 95-3.140; 1/3/05, 5/2/05
group relationships; 4 CSR 95-3.090; 1/3/05, 5/2/05
license credentials; 4 CSR 95-3.220; 1/3/05, 5/2/05
moral, legal standards; 4 CSR 95-3.040; 1/3/05, 5/2/05
professional relationships; 4 CSR 95-3.080; 1/3/05, 5/2/05
public statements/fees; 4 CSR 95-3.120; 1/3/05, 5/2/05
research activities; 4 CSR 95-3.180; 1/3/05, 5/2/05
educational requirements; 4 CSR 95-2.010; 1/3/05, 5/2/05
endorsement of exam score; 4 CSR 95-2.080; 1/3/05, 5/2/05
ethical considerations
assessment; 4 CSR 95-3.150; 1/3/05, 5/2/05
client relationships; 4 CSR 95-3.050; 1/3/05, 5/2/05
competence; 4 CSR 95-3.190; 1/3/05, 5/2/05
confidentiality; 4 CSR 95-3.130; 1/3/05, 5/2/05
group relationships; 4 CSR 95-3.100; 1/3/05, 5/2/05
license credentials; 4 CSR 95-3.210; 1/3/05, 5/2/05
moral, legal standards; 4 CSR 95-3.030; 1/3/05, 5/2/05
professional relationships; 4 CSR 95-3.070; 1/3/05, 5/2/05
public statements/fees; 4 CSR 95-3.110; 1/3/05, 5/2/05
research activities; 4 CSR 95-3.170; 1/3/05, 5/2/05
examinations; 4 CSR 95-2.030; 1/3/05, 5/2/05
experience, supervised counseling; 4 CSR 95-2.020; 1/3/05, 5/2/05
fees; 4 CSR 95-1.020; 1/3/05, 5/2/05, 8/1/05
license renewal; 4 CSR 95-1.060; 1/3/05, 5/2/05
name and address change; 4 CSR 95-2.060; 1/3/05, 5/2/05
organization; 4 CSR 95-1.005; 1/3/05, 5/2/05
reciprocity; 4 CSR 95-2.070; 1/3/05, 5/2/05
reexamination; 4 CSR 95-2.040; 1/3/05, 5/2/05
release of public records; 4 CSR 95-1.040; 1/3/05, 5/2/05
renewal of license; 4 CSR 95-2.050; 1/3/05, 5/2/05
scope of coverage; 4 CSR 95-3.010; 1/3/05, 5/2/05
supervisors and responsibilities; 4 CSR 95-2.021; 1/3/05, 5/2/05

CREDIT UNION COMMISSION

deposit of public funds; 4 CSR 100-2.205; 12/1/04, 3/15/05
member business loans; 4 CSR 100-2.045; 12/1/04, 3/15/05

DEAF AND HARD OF HEARING, MISSOURI COMMISSION FOR THE

fees; 5 CSR 100-200.150; 3/15/05, 7/1/05
interpreters certification system; 5 CSR 100-200.030; 3/15/05, 7/1/05
provisional restricted certification; 5 CSR 100-200.045; 1/15/04, 6/15/04, 3/15/05, 7/1/05
reinstatement; 5 CSR 100-200.210; 3/15/05, 7/1/05
revocation; 5 CSR 100-200.220; 3/15/05, 7/1/05
skill level standards; 5 CSR 100-200.170; 3/15/05, 7/1/05
written test; 5 CSR 100-200.060; 7/1/05

DENTAL BOARD, MISSOURI

certification of dental specialists; 4 CSR 110-2.090; 4/1/05, 7/15/05
federally qualified health centers; 4 CSR 110-2.260; 5/16/05, 9/1/05
confidentiality
conscious sedation; 4 CSR 110-4.020; 10/15/04, 3/1/05
guidelines for administration; 4 CSR 110-4.030; 10/15/04, 3/1/05
parenteral; 4 CSR 110-2.181; 10/15/04, 3/1/05
continuing education; 4 CSR 110-2.240; 4/1/05, 7/15/05
definitions; 4 CSR 110-4.010; 10/15/04, 3/1/05
endodontic materials; 4 CSR 100-2.230; 5/16/05, 9/1/05
fees; 4 CSR 110-2.170; 4/1/05, 7/15/05
license renewal; 4 CSR 110-2.071; 4/1/05, 7/15/05
sedation
conscious sedation; 4 CSR 110-4.020; 10/15/04, 3/1/05
deep sedation/general anesthesia; 4 CSR 110-4.040; 10/15/04, 3/1/05
fees; 4 CSR 110-2.170; 10/15/04, 3/1/05
general anesthesia; 4 CSR 110-2.180; 10/15/04, 3/1/05
guidelines for administration; 4 CSR 110-4.030; 10/15/04, 3/1/05
parenteral; 4 CSR 110-2.181; 10/15/04, 3/1/05

DISEASES, COMMUNICABLE, ENVIRONMENTAL, OCCUPATIONAL

definitions; 19 CSR 20-20.010; 11/1/04, 3/1/05
laboratories, duties of; 19 CSR 20-20.080; 5/16/05
reporting of; 19 CSR 20-20.020; 11/1/04, 3/1/05

DRIVERS LICENSE BUREAU

calculation of the commercial driver disqualification; 12 CSR 10-24.474; 5/16/05, 9/1/05
commercial licensing, third party examination audit retest process; 12 CSR 10-24.335; 8/15/05
excessive speed defined; 12 CSR 10-24.428; 5/16/05, 9/1/05
proof of identity; 12 CSR 10-24.448; 8/1/05
records, deletion of traffic convictions, suspension or revocation; 12 CSR 10-24.050; 5/16/05, 9/1/05
ten-year disqualification; 12 CSR 10-24.444.5/16/05, 9/1/05

DRUGS AND DEVICES, PROTECTION OF

inspection, manufacture, and sale; 19 CSR 20-2.010; 5/16/05
return and resale; 19 CSR 20-2.030; 5/16/05

ELEMENTARY AND SECONDARY EDUCATION

academically deficient schools; 5 CSR 50-340.110; 5/2/05
certificate of license to teach
administrators; 5 CSR 80-800.220; 11/1/04, 3/15/05, 8/1/05
application; 5 CSR 80-800.200; 11/1/04, 3/15/05, 8/1/05
adult education and literacy; 5 CSR 80-800.280; 11/1/04, 3/15/05, 8/1/05
classification; 5 CSR 80-800.360; 11/1/04, 3/15/05,

8/1/05
content areas; 5 CSR 80-800.350; 11/1/04, 3/15/05, 8/1/05
criminal history, background clearance; 5 CSR 80-800.400; 11/1/04, 3/15/05
student services; 5 CSR 80-800.230; 11/1/04, 3/15/05, 8/1/05
substitute; 5 CSR 80-800.290; 8/1/05
vocational-technical; 5 CSR 80-800.270; 11/1/04, 3/15/05, 8/1/05
temporary authorization; 5 CSR 80-800.260; 11/1/04, 3/15/05, 8/1/05
classroom teacher jobsharing; 5 CSR 80-670.100; 11/15/04, 4/15/05
family literacy program; 5 CSR 60-100.050; 11/1/04, 3/15/05
graduation requirements, high school; 5 CSR 50-345.300; 8/1/05
individuals with disabilities education act; 5 CSR 70-742.141; 8/15/05
priority schools; 5 CSR 50-340.150; 11/15/04, 4/15/05
professional education certification; 5 CSR 80-800.380; 11/1/04, 3/15/05, 8/1/05
reporting of information by school districts; 5 CSR 50-340.200; 8/1/05

ELEVATORS

fees, penalties; 11 CSR 40-5.110; 6/1/05

EMBALMERS AND FUNERAL DIRECTORS, STATE BOARD

funeral directing; 4 CSR 120-2.060; 2/2/04, 6/1/04, 10/15/04, 3/15/05

ENERGY ASSISTANCE

low income energy assistance; 13 CSR 40-19.020; 11/1/04

EXECUTIVE ORDERS

Automotive Partnership; 04-03; 2/2/04
closes Washington D.C. office; 05-03; 2/1/05
day of mourning in respect to Ronald Reagan; 04-13; 6/15/04
disposal of debris due to severe weather; 04-12; 6/15/04
Division of Design and Construction consolidates to Division of Facilities Management, Design and Construction; 05-08; 3/1/05
drought alert; 05-17; 8/15/05
electrical outages, utility exemptions for repair; 04-11; 6/15/04
Emancipation Day Commission; 04-14; 7/1/04
EMAC with the State of Florida; 04-19; 10/1/04
Emergency Mutual Aid Compact agreement with the State of Florida; 04-17; 9/15/04
eminent domain, task force; 05-15; 8/1/05
Executive Order 01-09 rescinded; 05-01; 2/1/05
First sergeant's ribbon authorized; 04-26; 11/15/04
Forest Utilization Committee; 04-21, 10/1/04; 04-23, 11/1/04
Governor's Council on Disability and Assistive Technology Council transfers to Office of Administration; 04-08; 2/17/04
Head Injury Advisory Council; 05-09; 3/1/05
holiday schedule, closes state offices on November 26, 2004; 04-27; 11/15/04
Homeland Security Advisory Council; 05-20; 9/1/05
inauguration day; 04-28; 12/15/04
information technology and services; 05-07; 2/15/05
influenza vaccine supply; 04-22; 11/1/04
expanded priority group designation; 05-11; 3/1/05
rescinded by; 04-29; 1/18/05
in-home health care programs; 05-10; 3/1/05
Insurance Advisory Panel; 05-18; 8/15/05
19-05; 9/1/05
jurisdiction over the St. Louis Army Ammunition Plant; 04-18; 9/15/04
lost of electrical service, St Louis; 04-15; 8/2/04
Medal of Valor; 04-01; 2/17/04
Methamphetamine Education and Prevention Task Force; 04-04; 2/2/04

Methamphetamine Enforcement and Environmental Protection
Task Force; 04-06; 2/2/04

Methamphetamine Treatment Task Force; 04-05; 2/2/04

Missouri Head Injury Advisory Council transfers to the
Department of Health and Senior Services; 05-09; 3/1/05

natural disaster in Northern Missouri; 04-10; 6/15/04

Patient Safety, Commission on; 04-07; 2/17/04

Plant Biotechnology, Governor Advisory Council on; 05-13; 6/1/05

Poultry Industry Committee; 04-20; 10/1/04

restricts new lease of vehicles, cell phones, office space; 05-02;
2/1/05

small business regulatory fairness board; 03-15, 10/1/03;
04-24, 11/1/04

special census, City of Licking; 04-16; 8/16/04

State Board of Mediation transfers to Labor and Industrial
Relations Commission; 05-16; 8/1/05

State Government Review Commission; 05-05; 2/15/05

supervisory authority; 04-02; 2/17/04

governor's staff, departments; 05-12; 4/1/05

use of Missouri products and services; 03-27, 12/15/03; 04-25,
11/1/04

vendors and procurement; 04-09; 4/1/04

video games, inmates; 05-06; 2/15/05

FAMILY SUPPORT DIVISION

eligibility for medical assistance; 13 CSR 40-2.200; 8/1/05, 9/1/05

federal income tax refund offset fee; 13 CSR 40-110.020; 4/1/05,
8/15/05

grandparents as foster parents; 13 CSR 40-2.380; 7/15/05

Medicaid eligibility in General Relief prior to application;
13 CSR 40-2.240; 7/15/05

order review and modification fee; 13 CSR 40-110.030; 3/15/05,
8/15/05

FAMILY TRUST, MISSOURI

charitable trust; 21 CSR 10-4.020; 6/1/05

regulations; 21 CSR 10-3.010; 6/1/05

definitions; 21 CSR 10-1.020; 6/1/05

family trust; 21 CSR 10-4.010; 6/1/05

meetings of the board; 21 CSR 10-1.030; 6/1/05

organization; 21 CSR 10-1.010; 6/1/05

terms and conditions; 21 CSR 10-2.010; 6/1/05

FOOD ESTABLISHMENTS

sanitation; 19 CSR 20-1.025; 4/1/05, 8/1/05

GAMING COMMISSION, MISSOURI

definitions; 11 CSR 45-1.090; 2/15/05, 7/1/05

electronic gaming devices

integrity of; 11 CSR 45-5.210; 5/2/05

minimum standards; 11 CSR 45-5.190; 5/2/05

giveaways, promotions; 11 CSR 45-5.181; 8/1/05

minimum internal control standards; 11 CSR 45-9.030; 5/2/05

slot machines, progressive; 11 CSR 45-5.200; 2/15/05, 7/1/05

tournament, chips; 11 CSR 45-5.180; 8/1/05

GEOLOGIST REGISTRATION, MISSOURI BOARD OF

fees; 4 CSR 145-1.040; 5/2/05, 8/15/05

licensure by reciprocity; 4 CSR 145-2.060; 5/2/05, 8/15/05

GEOLOGICAL SURVEY AND RESOURCE ASSESSMENT DIVISION

certification and registration reports; 10 CSR 23-3.060; 5/2/05

heat pump wells, closed-looped, construction; 10 CSR 23-5.050;
5/2/05

sensitive areas; 10 CSR 23-3.100; 5/2/05

HEALTH CARE PLAN, MISSOURI CONSOLIDATED

public entity membership

agreement, participation period; 22 CSR 10-3.030; 2/1/05,
5/16/05

coordination of benefits; 22 CSR 10-3.070; 2/1/05, 5/16/05

definitions; 22 CSR 10-3.010; 2/1/05, 5/16/05

provisions, miscellaneous; 22 CSR 10-3.080; 2/1/05, 5/16/05

review and appeal procedure; 22 CSR 10-3.075; 2/1/05,

5/16/05

subscriber agreement, membership provisions;

22 CSR 10-3.020; 2/1/05, 5/16/05

state membership

contributions; 22 CSR 10-2.030; 2/1/05, 5/16/05

co-pay and PPO plan

provisions, covered charges; 22 CSR 10-2.055; 2/1/05,
5/16/05

summaries; 22 CSR 10-2.045; 2/1/05, 5/16/05

coordination of benefits; 22 CSR 10-2.070; 2/1/05, 5/16/05

definitions; 22 CSR 10-2.010; 2/1/05, 5/16/05

membership agreement, participation period;

22 CSR 10-2.020; 2/1/05, 5/16/05

provisions, miscellaneous; 22 CSR 10-2.080; 2/1/05, 5/16/05

review and appeal procedure; 22 CSR 10-2.075; 2/1/05,
5/16/05

HEALTH STANDARDS AND LICENSURE

definitions; 19 CSR 30-83.010; 10/15/04, 2/1/05

HIGHWAYS AND TRANSPORTATION COMMISSION

overweight and overdimension permits; 7 CSR 10-2.010; 8/15/05;

7 CSR 10-25.010; 8/15/05

subpoenas; 7 CSR 10-1.020; 3/1/04, 7/15/04

HOSPITALS

reporting of infection rates, health care associated; 19 CSR 10-
33.050; 3/1/05, 6/15/05

testing for metabolic and genetic disorders; 19 CSR 25-36.010;
3/1/05, 6/15/05

ICE CREAM AND FROZEN FOOD LAW

identification tag; 2 CSR 30-22.010; 12/15/04, 4/1/05

INSURANCE, DEPARTMENT OF

annuities; 20 CSR 700-1.145; 5/16/05

recommendations to customers; 20 CSR 700-1.146; 8/15/05

supervision of sales; 20 CSR 700-1.147; 8/15/05

auto insurance, cancellation; 20 CSR 500-2.300; 12/1/04, 3/15/05

grievance, minimum time to file; 20 CSR 400-10.100; 6/1/05

HMO access plans; 20 CSR 400-7.095; 9/1/05

life and health insurance guaranty association; 20 CSR 400-5.600;
9/1/05

market conduct examinations; 20 CSR 300-2.200; 5/2/05, 9/1/05

medical malpractice award; 20 CSR; 3/1/02, 3/3/03, 3/15/04

Medicare supplement insurance Minimum Standards Act;

20 CSR 400-3.650; 6/15/05

sovereign immunity limits; 20 CSR; 1/2/02, 12/16/02, 12/15/03

surplus lines, licensing requirements; 20 CSR 200-6.600; 4/15/05,
8/15/05

variable life; 20 CSR 400-1.020; 5/16/05

INTERPRETERS, MISSOURI STATE COMMITTEE OF

fees; 4 CSR 232-1.040; 5/2/05, 8/15/05

mentorship; 4 CSR 232-3.030; 5/2/05, 8/15/05

name, address change, license renewal; 4 CSR 232-2.030; 5/2/05,
8/15/05

principles, general; 4 CSR 232-3.010; 5/2/05, 8/15/05

JOB DEVELOPMENT AND TRAINING

job retention program; 4 CSR 195-3.020; 6/15/05

new jobs program; 4 CSR 195-3.010; 6/15/05

LABOR AND INDUSTRIAL RELATIONS COMMISSION

practice and procedures; 8 CSR 20-2.010; 9/1/05

LAND RECLAMATION COMMISSION

appeals and hearings; 10 CSR 40-10.085; 6/1/05

bonding; 10 CSR 40-10.030; 9/1/04, 4/1/05

definitions; 10 CSR 40-10.100; 9/1/04, 4/1/05

enforcement; 10 CSR 40-10.070; 9/1/04, 4/1/05

inspection authority, right of entry; 10 CSR 40-10.060; 9/1/04, 4/1/05
meetings, hearings, conferences; 10 CSR 40-10.080; 9/1/04, 4/1/05

performance requirements; 10 CSR 40-10.050; 9/1/04, 4/1/05
permit application requirements; 10 CSR 40-10.020; 9/1/04, 4/1/05

permit review process; 10 CSR 40-10.040; 9/1/04, 4/1/05

LOGO SIGNING

administration; 7 CSR 10-9.060; 4/15/05, 8/15/05
definitions; 7 CSR 10-9.020; 4/15/05, 8/15/05
eligibility requirements; 7 CSR 10-9.030; 4/15/05, 8/15/05
public information; 7 CSR 10-9.010; 4/15/05, 8/15/05
service signs, specific; 7 CSR 10-9.040; 4/15/05, 8/15/05
sign design and installation; 7 CSR 10-9.050; 4/15/05, 8/15/05

LONG-TERM CARE, NURSING FACILITIES

administrative, personnel, resident care requirements; 19 CSR 30-86.042; 12/15/04

construction standards; 19 CSR 30-86.012; 12/15/04, 4/15/05
evaluation, assessment measures

Title XIX recipients and applicants; 19 CSR 30-81.030; 8/1/05

physical plant requirements; 19 CSR 30-86.032; 12/15/04, 4/15/05
transfer, discharge procedures; 19 CSR 30-82.050; 12/15/04

MARITAL AND FAMILY THERAPISTS, STATE COMMITTEE OF

fees; 4 CSR 233-1.040; 3/15/05, 7/1/05

MEAT AND POULTRY, INSPECTION OF

standards for inspection; 2 CSR 30-10.010; 12/15/04, 4/1/05

MEDICAL SERVICES, DIVISION OF

benefits for federally qualified health care centers; 13 CSR 70-26.010; 2/15/05, 6/15/05

children's health insurance program; 13 CSR 70-4.080; 6/1/05
comprehensive day rehabilitation program; 13 CSR 70-99.010; 7/1/05

dental benefits, limitations; 13 CSR 70-35.010; 7/15/05
drug prior authorization process; 13 CSR 70-20.200; 1/18/05, 5/2/05

durable medical equipment; 13 CSR 70-60.010; 7/15/05
federal reimbursement allowance; 13 CSR 70-15.110; 7/15/05
hearing aid program; 13 CSR 70-45.010; 8/1/05

liens on property of institutionalized Medicaid eligible persons; 13 CSR 70-4.110; 6/15/05

health insurance premium payment program; 13 CSR 70-97.010; 7/1/05

home health care services; 13 CSR 70-90.010; 7/1/05
limitation on payment for inpatient care; 13 CSR 70-15.030; 7/15/05

MCO reimbursement allowance; 13 CSR 70-3.170; 7/1/05

Medicaid claims

electronic submission; 13 CSR 70-3.160; 6/1/05
Title XIX, false or fraudulent claims for services; 13 CSR 70-3.030; 6/15/05

Medical Assistance for Families; 13 CSR 40-2.375; 7/1/05

Medicaid covered services

copayment, coinsurance; 13 CSR 70-4.050; 6/15/05
nonemergency medical transportation services; 13 CSR 70-5.010; 6/15/05

optical care benefits; 13 CSR 70-40.010; 7/1/05
outpatient hospital services; 13 CSR 70-15.160; 7/15/05
payment for general relief recipient hospital outpatient services; 13 CSR 70-15.080; 7/15/05

personal care program; 13 CSR 70-91.010; 6/1/05
reimbursement

allowance, nursing facility; 13 CSR 70-10.110; 2/1/05, 6/15/05

HIV services; 13 CSR 70-10.080; 5/2/05, 8/15/05; 8/1/05
inpatient, outpatient hospital services; 13 CSR 70-15.010; 7/15/05

nursing services; 13 CSR 70-10.015; 5/2/05, 8/15/05; 8/1/05
scope of medical services for general relief recipients; 13 CSR 70-2.020; 7/15/05

spenddown; 13 CSR 70-4.100; 6/1/05
Title XIX provider enrollment; 13 CSR 70-3.020; 6/1/05

uninsured parents' health insurance program; 13 CSR 70-4.090; 7/15/05

MENTAL HEALTH, DEPARTMENT OF

access crisis intervention programs; 9 CSR 30-4.195; 9/1/04
criteria for waiver slot assignment; 9 CSR 45-2.015; 11/1/04, 3/15/05

events, report of; 9 CSR 10-5.206; 4/1/05, 9/1/05
inspection of public records, copies, fees; 9 CSR 25-3.030; 3/1/05, 6/1/05

opioid treatment programs; 9 CSR 30-3.132; 12/15/04, 3/15/05; 3/1/05, 6/1/05

unusual events, report of; 9 CSR 10-5.205; 2/1/05, 5/16/05
utilization review; 9 CSR 45-2.017; 12/15/04, 3/15/05

MILK BOARD, STATE

inspection fees; 2 CSR 80-5.010; 5/16/05, 9/1/05

MOTOR VEHICLE

all terrain vehicles; 12 CSR 10-23.428; 7/15/05

dealer licensure

fees; 12 CSR 10-26.040; 1/18/05, 6/1/05

filing a report of accident; 12 CSR 10-25.050; 1/18/05, 6/1/05
issuance of

biennial disabled person placard; 12 CSR 10-23.460; 1/18/05, 6/1/05

use of license plate after name change; 12 CSR 10-23.290; 12/15/04, 4/1/05

MOTOR VEHICLE INSPECTION

bumpers; 11 CSR 50-2.311; 10/1/04, 1/3/05

school bus inspection; 11 CSR 50-2.320; 10/1/04, 1/3/05

NURSING HOME ADMINISTRATORS

license, renewal; 19 CSR 73-2.050; 6/15/05

NURSING, STATE BOARD OF

licensure; 4 CSR 200-4.020; 9/1/05

PEACE OFFICER STANDARDS AND TRAINING (POST) PROGRAM

classification; 11 CSR 75-13.010; 12/1/04, 3/15/05

procedure to upgrade classification; 11 CSR 75-13.030; 12/1/04, 3/15/05

curricula, objectives; 11 CSR 75-14.030; 1/18/05, 5/2/05

veteran peace officer point scale; 11 CSR 75-13.060; 12/1/04, 3/15/05

PERSONNEL ADVISORY BOARD

appeals; 1 CSR 20-4.010; 2/1/05

examinations; 1 CSR 20-3.010; 1/18/05, 5/16/05

grievance procedures; 1 CSR 20-4.020; 5/16/05

organization; 1 CSR 20-1.010; 1/18/05, 5/16/05

Registers; 1 CSR 20-3.020; 1/18/05, 5/16/05

PHARMACY, STATE BOARD OF

complaint handling, disposition procedures; 4 CSR 220-2.050; 1/3/05, 6/1/05

continuing pharmacy education; 4 CSR 220-2.100; 7/15/05

definitions, standards; 4 CSR 220-5.030; 1/3/05, 6/1/05

drug distributor licensing requirements; 4 CSR 220-5.020; 7/15/05
fees; 4 CSR 220-4.010; 7/15/05

organization; 4 CSR 220-1.010; 1/3/05, 6/1/05

permits; 4 CSR 220-2.020; 1/3/05, 6/1/05

requirements, educational and licensing; 4 CSR 220-2.030;
1/3/05, 5/2/05
standards of operation; 4 CSR 220-2.010; 1/3/05, 6/1/05

PHYSICAL THERAPISTS AND THERAPIST ASSISTANTS

applicants for licensure; 4 CSR 150-3.010; 5/2/05, 8/15/05
biennial registration; 4 CSR 150-3.060; 4/1/05, 7/15/05

PHYSICIAN ASSISTANTS

agreements, physicians; 4 CSR 150-7.135; 4/1/05, 7/1/05, 7/15/05

PHYSICIANS AND SURGEONS

education, continuing medical; 4 CSR 150-2.125; 5/2/05, 8/15/05
fees; 4 CSR 150-2.080; 12/1/04, 5/2/05, 8/15/05
penalty, biennial registration; 4 CSR 150-2.050; 5/2/05, 8/15/05
reinstatement, inactive license; 4 CSR 150-2.153; 4/1/05, 7/15/05

PLANT INDUSTRIES

bakanae of rice; 2 CSR 70-11.040; 7/1/05

PRESCRIPTION DRUG REPOSITORY PROGRAM

definitions; 19 CSR 20-50.005; 1/18/05, 5/16/05
eligibility requirements to receive donated prescription drugs
pharmacies, hospitals, nonprofit clinics; 19 CSR 20-50.010;
1/18/05, 5/16/05
recipients in the program; 19 CSR 20-50.015; 1/18/05,
5/16/05
record keeping requirements; 19 CSR 20-50.040; 1/18/05, 5/16/05
standards, procedures
accepting donated prescription drugs; 19 CSR 20-50.025;
1/18/05, 5/16/05
dispensing donated prescription drugs; 19 CSR 20-50.035;
1/18/05, 5/16/05
donating prescription drugs; 19 CSR 20-50.020; 1/18/05,
5/16/05
inspecting and storing donated prescription drugs;
19 CSR 20-50.030; 1/18/05, 5/16/05

PUBLIC SERVICE COMMISSION

complaints, expedited procedure; 4 CSR 240-2.071; 6/15/05
customer bills; 4 CSR 240-33.045; 3/15/05
electric service territorial agreements

fees, petitions, applications; 4 CSR 240-3.135; 4/1/05
filing requirements; 4 CSR 240-3.130; 4/1/05
LEC to LEC network; 4 CSR 240-29.010; 1/3/05, 6/15/05
audit provisions; 4 CSR 240-29.160; 1/3/05, 6/15/05
blocking traffic
originating carriers; 4 CSR 240-29.120; 1/3/05, 6/15/05
requests of terminating carriers; 4 CSR 240-29.130;
1/3/05, 6/15/05
transiting carriers; 4 CSR 240-29.140; 1/3/05, 6/15/05
confidentiality; 4 CSR 240-29.150; 1/3/05, 6/15/05
definitions; 4 CSR 240-29.020; 1/3/05, 6/15/05
duty to file tariffs; 4 CSR 240-29.110; 1/3/05, 6/15/05
identification of originating carrier; 4 CSR 240-29.040; 1/3/05,
6/15/05
objections to payment invoices; 4 CSR 240-29.100; 1/3/05,
6/15/05
option to establish separate trunk groups; 4 CSR 240-29.050;
1/3/05, 6/15/05
privacy provisions for end users; 4 CSR 240-29.060; 1/3/05,
6/15/05
provisions, general; 4 CSR 240-29.030; 1/3/05, 6/15/05
time frame for exchange of records, invoices, payments;
4 CSR 240-29.090; 1/3/05, 6/15/05
wireless originated traffic transmitted; 4 CSR 240-29.070;
1/3/05, 6/15/05
use of terminating record creation; 4 CSR 240-29.080;
1/3/05, 6/15/05
local calling area plans, filing requirements, application;
4 CSR 240-2.061; 4/15/05
manufactured home installers

definitions; 4 CSR 240-125.010; 2/15/05, 5/2/05
exceptions, licensing; 4 CSR 240-125.030; 2/15/05, 5/2/05
installation decals; 4 CSR 240-125.070; 2/15/05, 5/2/05
licensing; 4 CSR 240-125.060; 2/15/05, 5/2/05
limited use installer; 4 CSR 240-125.050; 2/15/05,
5/2/05

manufactured home installer; 4 CSR 240-125.040;
2/15/05, 5/2/05
provisions, general; 4 CSR 240-125.020; 2/15/05, 5/2/05
telecommunication companies
filing and submission requirements; 4 CSR 240-3.513;
1/18/05, 5/2/05

Universal Service Fund

applications; 4 CSR 240-31.080; 8/1/05
assessments; 4 CSR 240-31.060; 8/1/05
definitions; 4 CSR 240-31.010; 7/1/05, 8/1/05
eligibility; 4 CSR 240-31.050; 7/1/05, 8/1/05
fund administrator; 4 CSR 240-31.030; 8/1/05

REAL ESTATE COMMISSION

fees; 4 CSR 250-5.030; 2/1/05, 5/16/05

RESPIRATORY CARE, MISSOURI BOARD FOR

fees; 4 CSR 255-1.040; 9/1/05

RESIDENTIAL CARE FACILITIES I AND II

fire safety standards; 19 CSR 30-86.022; 9/1/05

RETIREMENT SYSTEMS, COUNTY EMPLOYEES

distribution of accounts; 16 CSR 50-10.050; 10/1/04, 2/1/05,
6/1/05
payment of benefits; 16 CSR 50-2.035; 8/15/05
rehires; 16 CSR 50-2.110; 4/1/05, 7/15/05

RETIREMENT SYSTEMS

qualified government excess benefit arrangement;
16 CSR 20-2.057; 1/3/05, 4/15/05

SANITATION AND SAFETY STANDARDS

lodging establishments; 19 CSR 20-3.050; 6/1/05

SECURITIES, DIVISION OF

agricultural cooperatives; 15 CSR 30-54.195; 1/18/05, 5/2/05
fees; 15 CSR 30-50.030; 8/15/05
forms; 15 CSR 30-50.040; 1/18/05, 5/2/05

SOCIAL WORKERS, STATE COMMITTEE FOR

license
provisional, baccalaureate; 4 CSR 263-2.047; 5/2/05, 8/15/05
provisional, clinical; 4 CSR 263-2.045; 5/2/05, 8/15/05
supervisors; 4 CSR 263-2.031; 8/15/05

SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS

applicants, provisional license; 4 CSR 150-4.055; 5/2/05, 8/15/05

TATTOOING, BODY PIERCING AND BRANDING

fees, 4 CSR 267-2.020; 3/15/05, 7/1/05
temporary practitioner license; 4 CSR 267-4.020; 10/15/04,
3/15/05

TAX, CITY SALES, TRANSPORTATION SALES, PUBLIC MASS TRANSPORTATION

city tax applies, when; 12 CSR 10-5.050; 1/18/05, 5/16/05
delivery from outside the state; 12 CSR 10-5.070; 1/18/05,
5/16/05
delivery outside jurisdiction; 12 CSR 10-5.060; 1/18/05,
5/16/05
rental or leasing receipts; 12 CSR 10-5.075; 1/18/05, 5/16/05
place of business; 12 CSR 10-5.550; 1/18/05, 5/16/05

transportation tax applies; 12 CSR 10-5.545; 1/18/05, 5/16/05
delivery from outside the state; 12 CSR 10-5.560; 1/18/05,
5/16/05
delivery outside jurisdiction; 12 CSR 10-5.555; 1/18/05,
5/16/05
rental or leasing receipts; 12 CSR 10-5.565; 1/18/05, 5/16/05

TAX, COUNTY SALES

delivery from outside the state; 12 CSR 10-11.130; 1/18/05,
5/16/05
determining which tax applies; 12 CSR 10-11.100; 1/18/05,
5/16/05
items taken from inventory; 12 CSR 10-11.120; 1/18/05, 5/16/05
rental or leasing receipts; 12 CSR 10-11.140; 1/18/05, 5/16/05

TAX, CREDIT

homestead preservation credit
procedures; 12 CSR 10-405.100; 4/1/05, 8/1/05
qualification and amount of credit; 12 CSR 10-405.200;
4/1/05, 8/1/05
special needs adoption tax credit; 12 CSR 10-400.200, 2/15/05,
6/1/05

TAX, INCOME

annual adjusted rate of interest; 12 CSR 10-41.010; 1/3/05,
5/16/05
computation of tax; 12 CSR 10-400.250; 1/3/05, 6/1/05
special needs adoption tax credit; 12 CSR 10-2.195; 5/2/05

TAX, SALES/USE

direct pay agreement; 12 CSR 10-104.040; 1/3/05, 6/1/05
exemption certificates; 12 CSR 10-107.100; 12/1/04, 4/15/05,
6/15/05
newspapers, other publications; 12 CSR 10-110.400; 6/1/05
when a user has sufficient nexus; 12 CSR 10-114.100; 1/3/05,
5/16/05

TAX, STATE COMMISSION

appeals; 12 CSR 30-3.010; 11/15/04, 4/1/05
intervention; 12 CSR 30-3.020; 11/15/04, 4/1/05
motions, stipulations; 12 CSR 30-3.050; 11/15/04, 4/1/05

TAX, WITHHOLDING

electronic filing and payment requirement; 12 CSR 10-500.210;
5/16/05, 9/1/05

VEHICLES, ANIMAL DRAWN

equipment, alternate; 11 CSR 30-7.020; 1/18/05; 5/2/05

VETERANS RECOGNITION PROGRAM

recognition awards; 11 CSR 10-5.010; 9/1/05

VICTIMS FUND GRANT PROGRAM

applicants, eligible; 11 CSR 30-5.020; 7/15/05
contract awards, monitoring, review; 11 CSR 30-5.050; 7/15/05

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